

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

January 10, 2011

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; Music Festival Director Dana King; Finance Committee Chairman Jeff Soulard; School Committee and Conomo Point Planning Committee member Susan Coviello; Conomo Point Planning Committee members Charles Burnham, James Witham, and Kurt Wilhelm; Conomo Point tenants Paul Collins, William Liberti, Mark Osburn, and Judd Pratt; Manchester-by-the-Sea resident Sheila Hill; and, one unidentified member of the public.

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library and announced that the meeting was being recorded and that the Board would hear Public Comment. No one offered any comments.

The Chairman turned the meeting over to Dana King, the organizer and director of the annual music festival. Mr. King said that he had assumed the responsibility for organizing and producing the annual music festival last year in 2009. Because a movie company had rented Centennial Grove for that entire season, the music festival was moved to Memorial Park behind the Town Hall. Mr. King used the donations that he received for the festival to purchase tee shirts, posters, website design, signs and banners, and rental of sound equipment. The movie company provided a large tent. Unfortunately, the weather did not cooperate and it rained for several days before, during, and after the day of the festival which was cancelled because the entire area was too soggy. The **2009 profit and loss detail statement** shows that the entire 2009 effort resulted in a profit of \$991.58. Mr. King went on to present a slide show on his computer of various highlights from the 2010 music festival. The weather for the 2010 festival was warm and sunny and the attendance was very good. Mr. King said that all of the groups donate their music for free. And, because of the groundwork he has done regarding publicity and links to various websites, as well as upgrading of the festival's image, the festival is now attracting some very impressive groups from a larger geographical area. Mr. King reviewed the **2010 profit and loss detail statement** and pointed out that one of the major expenses of the festival had been for the police detail. Mr. King said that he was pleased to present the Town with a check in the amount of \$1500.00. Those present discussed the possibility of using the ball fields for parking at the next festival. The Selectmen said that the fields were not designed to be used in that manner and that there had been problems in the past with damage to the fields and the irrigation systems due to unauthorized parking that had been very expensive to correct. A motion was made, seconded, and unanimously voted to accept Mr. King's check in the amount of \$1500.00 to be deposited in the Grove Revolving Fund. The Selectmen thanked Mr. King for his efforts and congratulated him on a very successful festival and he left the meeting.

Sheila Hill, a resident of 2 Running Ridge Row in Manchester, came before the Selectmen to inquire about creating three contiguous tennis courts at Memorial Park in Essex rather than at the Memorial School in Manchester. She presented copies of two of her *letters to the editor* that were published in the Cricket Press. Three courts are required for competitions and tournaments. The Selectmen said that a group is currently working to redesign the old tennis courts at Memorial Park and has raised some funding so far to pay for a design study which only includes two courts. The Selectmen said that there is not enough room for a third court. Memorial Park is maintained by the Department of Public Works and any changes to it would need to be approved by the DPW, not the Board of Selectmen. Also, the proposed tennis courts in Manchester are under the direction of the regional school system. Susan Coviello, a member of the School Committee, said that it is important to have the courts within walking distance of the school. Otherwise, the students would have to be bused to the courts, which is more costly. The school plans to begin working on the tennis court project this Spring. Ms. Hill thanked the Selectmen for their time and left the meeting.

Chairman Randall began the Conomo Point Discussion by reviewing the latest evolution of the *mind map for Conomo Point issues*. The first page of the mind map shows several key areas of concern. Each key area is supported by a separate page that addresses underlying areas of concern associated with that category. The supporting pages also lay out a critical path for items that need to be in place in order to arrive at the goal of resolving each area of concern.

Mark Lynch, Chairman of the Conomo Point Planning Committee, joined the meeting and Chairman Randall briefly reviewed what he had discussed, so far, regarding Conomo Point.

Chairman Randall said that he intended to assign a different group or individual to each key area of concern and hoped that that group or individual would review their assigned area and report back to him with comments, additions, and/or suggestions for improving that area of the map. He asked Finance Committee Chair Jeff Soulard to share the page on fiscal concerns with his committee. He hoped that the Planning Board would review the page on zoning bylaws, and since no one was present from the Planning Board, asked Mr. Zubricki to contact the Planning Board Chair for comments. Legal concerns will be reviewed by Town Counsel and environmental issues will be coordinated with the Department of Environmental Protection, the Board of Health, and others. A meeting has tentatively been scheduled with the DEP in February, but may need to be changed to a new date due to Senator Tarr's heavy schedule. Mr. Zubricki said that he is already working on issues that must be voted at Town Meeting and has begun talking to Town Counsel regarding the wording for possible bridge leases. The Chairman had asked the Horsley Witten Group for a *proposal to create a subdivision plan for northern Conomo Point* and that had been circulated to all parties for review. The Planning Board has reviewed a proposed amendment to the zoning bylaws to create a Southern Conomo Point Zoning District to facilitate the subdivision of that area. The article was originally planned for the 2010 Annual Town Meeting, but was not placed on the warrant. The

Planning Board appears to be in agreement with *Kopelman and Paige's suggested revisions* to the Article and the next step will be to advertise and hold a public hearing to inform the residents about proposed changes to the Town's zoning bylaws. (The Planning Board also plans to discuss changes to the Town's Flood Plain District Bylaw at that public hearing and Mr. Zubricki distributed a handout of the *Current Flood Plain District Bylaw* with the suggested changes.) This revised article may be included in the warrant for the 2011 Annual Town Meeting. Mr. Zubricki said he would confirm the date for closing the 2011 ATM warrant. Chairman Randall asked Selectman O'Donnell to research firms that would be qualified to conduct a study on waterfront access at the Point. Several suggestions for additions to the mind map were made, including a new section for tenants' concerns; and Chairman Randall said that Mr. Zubricki would incorporate them into the map for future discussion.

Chairman Randall said that that concluded the discussion concerning Conomo Point at the present time, and Jeff Soulard, Mark Lynch, Susan Coviello, Charles Burnham, James Witham, Kurt Wilhelm, Paul Collins, William Liberti, Mark Osburn, Judd Pratt, and one unidentified member of the public left the meeting.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$90,717.43.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the December 27th, 2010, Selectmen's Open Meeting.

A motion was made, seconded, and unanimously voted to approve a Class II License Renewal for Eric Holdsworth, Portside Auto, at 166 Eastern Avenue.

A motion was made, seconded, and unanimously voted to approve the signature on *letters of thanks* to the Police Department, the Fire Department, the Department of Public Works and the Board of Health for their excellent efforts during the December 27th storm.

A motion was made, seconded, and unanimously voted to approve the recommendation of Fire Chief Dan Doucette and to appoint Edward Neal, Jr. and Peter Nich to the Auxiliary Fire Department.

A motion was made, seconded, and unanimously voted to accept a donation of \$50.00 from Mr. David Tory of Lufkin Point Road to the Essex Police Department.

A motion was made, seconded, and unanimously voted to ratify the Chairman's declaration of a state of emergency as of 2:16 p.m. on 12/26/2010, and also his termination of the state of emergency at 12:00 noon on 12/28/2010.

A motion was made, seconded, and unanimously voted to approve the Chairman's signature on the *Virtual Gateway Services Agreement* with the Executive Office of Health and Human Services. This agreement will allow the Town Clerk to work with the

State to place and maintain records of marriages, births, and deaths on line for public access.

A motion was made, seconded, and unanimously voted to approve the Chairman's signature on an agreement with the Executive Office of Health and Human Services to ***designate the Town's access administrator*** for the Virtual Gateway Services Agreement as Christina Wright.

A motion was made, seconded, and unanimously voted to approve a request from Woodman's Inc., Stephen B. Woodman, to close for renovations from January 18th through January 22nd, 2011.

The Selectmen reviewed a request to approve amending the lease for 44 Robbins Island Road, Map 19, Lots 72 and 74A, by removing the name of Nancy Sachsse, who died last year, and replacing it with her husband's name, Eckart Sachsse. The Selectmen agreed that Dr. Sachsse should be asked to sign a disclaimer and have it notarized that he is aware that the lease for this property at Conomo Point will be ending on December 31, 2011, and that the Town has not voted to renew the lease. Mr. Zubricki said that he would ask Town Counsel to review the documents and then forward the request to Dr. Sachsse.

Brendhan Zubricki presented his Town Administrator's Report for the period covering December 25th, 2010 through January 7th, 2011 regarding the following items:

Village Corner Pocket Park Options: The Selectmen will be meeting jointly with the Long Term Planning Committee on Wednesday, January 12th, 2011, at 7:00 p.m. in the Fire Station meeting room to review the proposed ***design plan for the pocket parks***. The Board agreed to remind those present at that meeting that it is important to arrive at a decision regarding the design for the park planned for the intersection of Martin and Main Street so that Route 133 reconstruction will not be delayed by MassDOT. MassDOT is not obligated to approve any design that is submitted to it and the only design approved by MassDOT, so far, merely specifies a grassy area.

Summer Camp Request for Proposals: Mr. Zubricki reported that the ***RFP for a youth summer camp at Centennial Grove*** was released earlier today. The proposal is seeking a non-profit group to take full responsibility for operating the program at the Grove. The Selectmen asked if it would be possible to specify that only Essex kids would be hired as counselors for the program. Mr. Zubricki said that he would discuss the idea with any groups submitting proposals.

Fiscal Year 2012 Selectmen's Budget Package: Mr. Zubricki said that the Selectmen's ***budget package*** was ready to be approved and submitted to the Finance Committee. He said that the Building Inspector has suggested increasing the cost of the building permits. The Building Inspector has also made other suggestions, including asking the Assistant Building Inspector to keep regular hours every Monday from 7:00 to 9:00 a.m., hiring a clerk to take charge of all the permitting (building, electrical, and plumbing & gas) so

that the information is centralized, and purchasing specialized software designed to facilitate the handling of the information. After some discussion, it was agreed that the Building Inspector would be furnished with a list of the electrical permits and a list of the plumbing and gas permits. The Selectmen will consider raising the cost of building permits which must be approved by a town meeting vote and will consider Building Inspector and Assistant Building Inspector compensation after collecting more information. Mr. Zubricki also reviewed a *memo from the Town Clerk* to the Finance Committee regarding her budget needs for the future. Chairman Randall asked Mr. Zubricki to loan the Town Clerk the Selectmen's copy of a book written by Attorney Bobrowski. Mr. Zubricki reviewed each of the items discussed in the cover memo to the Finance Committee regarding the Selectmen's budget and suggested adding a note about the Building Department. A motion was made, seconded, and unanimously voted to approve the memo and the budget for submittal to the FinCom with the addition of the Building Department note.

Mr. Zubricki reminded the Selectmen that there is a hearing scheduled for February 1st to discuss the school budget and that any comments on the draft need to be submitted before that so they can be discussed at the hearing. The budget will be finalized after the hearing.

Shellfisherman Residency Complaint: Mr. Zubricki reviewed his research into the complaint that a certain commercial shellfisherman resides in Gloucester and does not reside at a particular address in Essex. After some discussion, the Selectmen agreed to wait until the licenses are up for renewal in March and to address the matter at that time, if it is still an issue.

Draft List of Topics for Annual Town Meeting: Mr. Zubricki reviewed a proposed *list of items to be included in the warrant* for the 2011 Annual Town Meeting. The list is divided into three tiers, declining in order of importance.

The Selectmen asked Mr. Zubricki to contact the Planning Board to ask if a change of use would be necessary if the Town-owned land on John Wise Avenue is approved for the construction of a new public safety building.

Extension of Prisoner Lockup Agreement: Mr. Zubricki said that the present prisoner lockup agreement is expiring and the Chief of Police has not been successful in finding an alternative site. Therefore, a motion was made, seconded, and unanimously voted to approve the signing of a *six-month extension agreement* with the Town of Manchester.

Clean Air and Mobility Grant Program: Mr. Zubricki said that a group of citizens from Essex and Manchester, comprising the Manchester Bike and Pedestrian Committee, have asked for a *letter of support* to the Boston Metropolitan Planning Organization from the Selectmen. The Committee is seeking grant funding to add bike lanes on Southern Avenue in Essex and School Street in Manchester. A motion was made, seconded, and unanimously voted to sign the letter of support that Mr. Zubricki had drafted.

After review, a motion was made, seconded, and unanimously voted to release the Executive Session minutes from the July 12, 2010 and from the November 12, 2010 Selectmen's meetings.

Mr. Zubricki said that he has been contacted by Sam Cleaves from the Metropolitan Area Planning Council, who is recommending that the Town return a feedback form and participate in a consortium for sustaining communities. Mr. Cleaves said that the program may offer funding in the future and that the Town would only be eligible to receive benefits if the Town is a member of the consortium. A motion was made, seconded, and unanimously voted to return the feedback form.

Mr. Zubricki said that it was brought to his attention that the date ranges for one union position's pay table in the new AFSCME contract were not updated. He has corrected them and asked the Selectmen to initial the changes, along with the union representatives who had already consented to the correction.

The Selectmen discussed the permitted uses for the new Code Red reverse 911 system that the Town has subscribed to. The Selectmen agreed that the use should be limited to emergency situations, but thought that the announcement of flu shot clinics should also be permitted.

The Board of Selectmen will hold their next regular meeting on Monday, January 24th, 2011, at 7:00 p.m. in the Senior Center on Pickering Street.

At 9:55 p.m., citing the need to discuss the Gloucester sewer billing 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 10:03 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:

2009 Profit and Loss Detail Statement (Music Fest)
2010 Profit and Loss Detail Statement (Music Fest)
Letters to the Editor
Mind Map for Conomo Point Issues
Proposal to Create a Subdivision Plan for Northern Conomo Point
Current Flood Plain District Bylaw

Kopelman and Paige's Suggested Revisions
Letters of Thanks
Virtual Gateway Services Agreement
Designation of the Town's Access Administrator
Design Plan for the Pocket Parks
RFP for a Youth Summer Camp at Centennial Grove
Budget Package
Memo from the Town Clerk
List of Items to be Included in the Warrant
Six-month Extension Agreement
Letter of Support

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell