

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

**February 28, 2011**

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.

Chairman Randall 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 comment.

Robert Perrigo appeared before the Selectmen to request that he be allowed to pay his commercial shellfish license renewal application fee when he picks up his new license at the end of March. The Selectmen reviewed his request and a motion was made, seconded, and unanimously voted to allow him to delay payment of the fee until the end of March. The Selectmen's Assistant will forward his application to the Town Clerk for review. Mr. Perrigo thanked the Selectmen and left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering February 5<sup>th</sup>, 2011 through February 25<sup>th</sup>, 2011, regarding the following items:

Provision of Updated Financial Data: Mr. Zubricki said that the Treasurer/Collector continues to work with a software company regarding the creation of a new program for the Town's tax collection data. The company is willing to provide the program to the Town, and, eventually, other municipalities, for free. The company plans to make money on mailing bills, paid downloads for mortgage companies, and, eventually, on-line bill payments. Mr. Zubricki has been discussing the idea of receiving this software for free and that the tax information will be stored on the cloud-based system with Town Counsel and the Town auditors and a number of issues have arisen. Even if the software is given to the Town for free, there will still need to be a contract between the Town and the company to insure data security, cover possible liability issues, and salvage the information in the event of a disaster. Mr. Zubricki will continue to explore these areas of concern which also include the Public Records Law, with the company and Town Counsel.

Finalization of *Fiscal Year 2012 Wage & Salary Scale*: Mr. Zubricki reminded the Selectmen that at their last meeting they had agreed to a cost of living increase of 1% for the salaries of non-union/non-contract employees. After a brief discussion, a motion was made, seconded, and unanimously voted to approve and add the recommended rates for a Senior Center van driver, the revised annual stipend for the Building Inspector, the revised annual stipend for the Assistant Building Inspector, a Part-time Assessor, revised rates for the Town Clerk, and revised rates for the Treasurer/Collector for FY2012. A motion was also made to increase the Town Clerk's salary, commencing in FY2012 to \$52,520 and the Treasurer/Collector's salary to \$67,230, including merit.

Summer Camp Services Proposals: Mr. Zubricki reviewed the three categories for rating the summer camp services proposal that was received by the Town. The Selectmen agreed that the proposal should be rated "Highly Advantageous" for categories 1 and 3, and "Adequate" for category 2, resulting in an overall rating of "Highly Advantageous". They went on to review the *cost proposal* and agreed that it is very reasonable. The cost proposal indicates fees similar to those charged in the past to Essex residents for the summer youth program, plus offers extra options like an extended day. A motion was made, seconded, and unanimously voted to offer the contract that was contained in the original RFP to the YMCA for approval. Mr. Zubricki said that there are still some items to be resolved in order to conform to State guidelines now that the summer program will be operated by an entity other than the Town. The Board of Health Agent and the Building Inspector are familiar with the buildings and will recommend any repairs necessary to gain certificates. Mr. Zubricki said that he is hoping to coordinate a spring clean-up at the Grove. Participants in the clean-up may include a scout working on his Eagle Scout project and volunteers from Pepsi Beverages Company as part of their PBC Gives Back Program.

Pepsi Cola "Pepsi Supports Surrounding Town (PSST)" Program: Mr. Zubricki said that he has completed an application on behalf of the Town to qualify to take part in the *Pepsi Gives Back Program*. If the Town qualifies, the company would send volunteers to Essex for 1 day to help with the clean-up. A motion was made, seconded, and unanimously voted to approve the submittal of the application to the Pepsi Business Company.

Pocket Park/Causeway Design Meeting with MassDOT: Mr. Zubricki said that he had attended a meeting with Michael Cannatta and Brian Kling from MassDOT, along with Selectman O'Donnell to discuss the proposed designs for the area in front of the Village Restaurant and other areas along the causeway. At that meeting, it was suggested that all of the designs be sent to Forrest Lindwall at MassDOT for review and approval. Mr. Lindwall has since scheduled a meeting on March 10<sup>th</sup> for everyone to review and discuss the designs.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$662,335.48.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the February 7<sup>th</sup>, 2011, Selectmen's Open Meeting I; the February 7<sup>th</sup>, 2011, Selectmen's Open Meeting II; the February 7<sup>th</sup>, 2011, Selectmen's Executive Session; the February 18<sup>th</sup>, Open Meeting; and the February 18<sup>th</sup>, Executive Session.

A motion was made, seconded, and unanimously voted to approve the following request for a One-Day Entertainment License:

- Sarah Adams, Essex Historical Society and Shipbuilding Museum, for use on Saturday, April 9<sup>th</sup>, 2011, from 6:00 p.m. to 11:00 p.m. within the confines of the Waterline Center at 66 Main Street.

At 7:30 p.m., the Selectmen were joined by Conomo Point leaseholders Judd Pratt, Mark Osburn, and William Liberti; Conomo Point Planning Committee members John Bediz, Susan

Coviello, Mark Lynch, and Jim Witham; Planning Board member Andrew St. John; and Finance Committee members Jeff Soulard and Gordon Martin, for a discussion regarding Conomo Point.

Mark Osburn reported that he had talked to the leaseholders at Conomo Point and had asked them who would be able to afford to pay market rents under the proposed bridge leases and/or who thought that they could afford to buy the real estate from the Town if it is offered for sale? Mr. Osburn said that the leaseholders were unable to respond, since no actual money amounts have been specified. It is presently estimated that the only about 50% of the current tenants may be able to afford the bridge leases.

Jim Witham said that he had updated an aging analysis of residents at Conomo Point that was done in the 1990's and that it appears that a large segment of the current population at the Point is now in their 80's and 90's.

Conomo Point Mind Maps: Mr. Zubricki said that changes had only been suggested for two pages of the *mind map* and distributed the updated copies to those present. He said that the changes were marked in bold type. No one had any comment on the changes or other aspects of the mind map, except for Mr. Lynch, who asked that the caption Moral Issues be changed to read Social Issues.

DEP Wastewater Planning Meeting: Mr. Zubricki reported that he and Board of Selectman Chairman Randall, CPPC Chair Lynch, and Senator Bruce Tarr had attended a meeting with Department of Environmental Protection members David Ferris and Eric Worrall in Wilmington recently to discuss the Town's progress towards resolving wastewater issues at Conomo Point. Mr. Zubricki said that basically the DEP is expecting that any solution that the Town chooses for Conomo Point must limit the wastewater to no more than 10,000 gallons per owner. If the Town decides to continue to own and lease property at the Point, the aggregate wastewater flow may not exceed 10,000 gallons per day. Mr. Zubricki said that the DEP has advised the Town to send them a letter requesting additional time to meet the deadline set by the Final Judgment. Mr. Zubricki is working on that task with Town Counsel.

Meetings with Conomo Point Leaseholders: Mr. Zubricki said that he and Chairman Randall and Town Counsel have had two meetings to date with representatives from the Conomo Point leaseholders to discuss the concept of a proposed bridge lease and the components that might be included in that lease. Their next meeting is scheduled for March 3<sup>rd</sup> at 2:00 p.m.

Mr. Zubricki reviewed the *Conomo Point Calendar*.

The Planning Board is currently working on a bylaw amendment regarding the proposed subdivision of southern Conomo Point, and also working on a related report for presentation to the Annual Town Meeting. Andrew St. John said that the bylaw is expected to be as Town Counsel has recommended.

Mark Lynch reported that the Conomo Point Planning Committee is continuing to work on a "White Paper" to present at the Annual Town Meeting regarding the Committee's recommendations for the future of Conomo Point.

Jeffrey Soulard said that the Finance Committee continues to be very concerned about the loss of revenue at the Point.

The Chairman thanked everyone for coming and Mark Osburn, William Liberti, John Bediz, Sue Coviello, Mark Lynch, Jim Witham, Andrew St. John, and Gordon Martin left the meeting.

Francis Burnham joined the Selectmen and said that the Board of Health had removed items from William Allen's property on Southern Avenue that it was not supposed to remove. The Selectmen thanked Mr. Burnham for his comments and he left the meeting.

Deputy Shellfish Warden William Knovak appeared before the Selectmen and presented *two letters from people* who wished to remain anonymous containing the names of persons presently holding Essex commercial shellfishing licenses who allegedly do not live in Essex. The Selectmen thanked Mr. Knovak and said that they would investigate the complaints and hold a public hearing to discuss the allegations. Mr. Knovak left the meeting.

Annual Town Meeting Draft Warrant: Mr. Zubricki reviewed the updated *draft of the warrant articles* for the Annual Town Meeting. All of the Conomo Point articles will be at the beginning of the warrant and it is anticipated that the meeting will take place over two nights, with the Conomo Point articles being voted the first night. The draft warrant presently contains 37 articles.

At 8:26 p.m., citing the need to discuss the lease of real property and contract negotiations with non-union personnel, the Chairman entertained a motion to move to Executive Session. He said that discussing these matters in Open Session would be detrimental to the Town's negotiating position with regard to the lease of real property and also detrimental to the Town's negotiating strategy with regard to the non-union contract. He stated that the Board would be returning to Open Session and invited Mr. Zubricki and Jeff Soulard to attend. Judd Pratt left the meeting. Following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 10:13 p.m. Jeff Soulard had previously left the meeting during the Executive Session, after the non-union personnel contract discussion had concluded.

Continuing with other business, a motion was made, seconded, and unanimously voted to ratify the exemption from Section 20 of Chapter 268A of the General Laws the contract with Ramie Reader in the amount of \$286.00 that was contained within the February 22<sup>nd</sup>, 2011, warrant pursuant to subsection (d) of said Section.

The Selectmen reviewed a *recommendation from the Board of Library Trustees*, and a motion was made, seconded, and unanimously voted to appoint Jennifer Mayer to fill the remainder of Gillian Palumbo's term as Library Trustee, which expires in 2012.

A motion was made, seconded, and unanimously voted to proclaim May 1<sup>st</sup> through May 7<sup>th</sup>, 2011, Holocaust Awareness Week. The Chairman signed the proclamation.

Chairman Randall recused himself from the voting and discussion regarding the approval of the use of Centennial Grove by the First Congregational Church of Essex for their annual picnic. A motion was made, seconded, and unanimously voted by Selectman Jones and Selectman O'Donnell to allow the First Congregational Church of Essex to use Centennial Grove for their annual picnic on Sunday, June 12, 2011 from 11:00 a.m. to 3:00 p.m. and to waive the usual rental fee.

A motion was made, seconded, and unanimously voted to allow Essex Cub Scout Pack 100 to hold an overnight and have a campfire at Centennial Grove starting on Friday, June 17<sup>th</sup> and ending on Saturday, June 18<sup>th</sup>, 2011, and to waive the rental fee, contingent upon permission from the Fire Department for the campfire.

The Selectmen reviewed a letter from Thayne Symmes regarding his request to provide paid van drivers for the COA van. Robert Cameron, Chairman of the Council on Aging, has already submitted a letter to the Selectmen and the Finance Committee regarding the same request and it is currently under discussion by the Finance Committee.

The Selectmen were informed that the Marine Fisheries is considering closing the Plum Island Shellfish Purification Plant as part of State budget cuts. A motion was made, seconded, and unanimously voted to sign a letter to be drafted by Mr. Zubricki to the head of Marine Fisheries in support of the continued operation of the plant.

Mr. Zubricki said that the Town Clerk has forwarded the shellfish renewal applications received to date to the Selectmen for their review and has marked certain applications as requiring additional research. Mr. Zubricki has also discussed with Town Counsel the proper way to handle the documents, since they contain personal and private information. It was agreed that Selectman Jones would meet with Mr. Zubricki to review the applications in question and also the documents for the persons named in the letters forwarded to the Selectmen by the Shellfish Deputy. A motion was made, seconded, and unanimously voted to hold a public hearing on March 14, 2011, at 7:00 p.m. in the Library to review and discuss each of the complaints with those charged. If a current licensee or applicant chooses to voluntarily surrender their license or withdraw their application in lieu of attending the hearing, no further investigation will be made.

It was agreed by everyone that the Selectmen will meet every Monday, excepting school vacation week, from this time forward until Town Meeting, due to the enormous amount of items to be put in order between then and now.

A motion was made, seconded, and unanimously voted to approve a line item transfer of \$12,500 from Blanket Insurance to Unemployment Insurance. The Selectmen will sign the request as soon as it is prepared.

A motion was made, seconded, and unanimously voted to reconfirm that Police Chief Peter Silva continues to be the Town's designated employee responsible for appointing and managing the ECO employees for the Town, pursuant to his contract with the Board of Selectmen.

The Selectmen were reminded that the next Board of Selectmen's meeting will take place on Monday, March 7<sup>th</sup>, 2011, at 7:00 p.m. in the T.O.H.P. Burnham Library.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 10:30 p.m.

Documents discussed during this meeting include the following:

*Cost Proposal*

*Pepsi Gives Back Program*

*Mind Map*

*Conomo Point Calendar*

*Two Letters from People*

*Draft of the Warrant Articles*

*Recommendation from the Board of Library Trustees*

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

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