

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

April 25, 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.

Also Present: Charlie Gerbutavich, Corey Matthews, Bill Liberti, John Bediz, Susan Coviello, Jeffrey Soulard, Mark Lynch, and Jim Witham.

Chairman Randall called the meeting to order at 7:00 p.m. and announced that the meeting was being recorded and that the Board would hear Public Comment. No one offered any comment.

Charlie Gerbutavich, a resident of Manchester, came before the Selectmen to request a waiver of the filing deadline for an annual non-resident, non-commercial clamming permit for himself and his wife, Elena Subatis. This is the first year that the Selectmen have instituted a filing deadline and Mr. Gerbutavich had not been aware that the regulations had changed. Mr. Gerbutavich also said that the cost of the non-resident license had been half-price to seniors in the past. Mr. Zubricki said that the regulations state that the fee is \$75.00 per year for everyone. A motion was made, seconded, and unanimously voted to waive the filing deadline for Mr. Gerbutavich and his wife. Both applications were correctly completed and the Selectmen approved and signed each of them. Mr. Gerbutavich thanked the Selectmen and left the meeting.

William Poole, Jr. had previously requested an appointment with the Selectmen to request a waiver of the non-resident filing deadline, but he did not appear and he had not submitted his application, so his request has been tabled.

Corey Matthews, a resident of Apple Street, came before the Selectmen to request a waiver of the filing deadline for a non-resident non-commercial clamming permit for Brooke Tobiasz, a resident of Hamilton. A motion was made, seconded, and unanimously voted to waive the filing deadline for Brooke Tobiasz and the Selectmen signed the correctly completed application.

A motion was made, seconded, and unanimously voted to approve the following requests for licenses and permits:

Commercial Shellfish Renewal:

- Cory Matthews
- Keith Woodman (Ratify signature)

Common Victualler License Renewal:

- Down River Ice Cream Corporation, Amy Ahearn, Manager, at 241 John Wise Avenue
- Captain Dusty's, John Bartlett, Manager, at 121 Eastern Avenue

Gasoline Storage License Renewal:

- Ernest T. Nieberle, Jr., d/b/a Nieberle's Service Station Inc. for the keeping, storage, and sale of 14,000 gallons gasoline at 8 Main Street.
- Peter Panagoplos, Chanty Inc., d/b/a Richdale for the keeping, storage, and sale of 24,000 gallons gasoline at 156 Main Street

One-Day Entertainment License:

- Cynthia Schlaikjer, Essex Historical Society & Shipbuilding Museum, Inc. for use on Saturday, May 14, 2011, between the hours of 11:00 a.m. and 4:00 p.m. within the confines of the Essex Shipbuilding Museum Shipyard at 66 Main Street.

One-Day Wine and Malt License:

- Joan Houghton, Woodman's Inc., for use on Wednesday, May 11, 2011, between the hours of 12:00 noon and 10:00 p.m. within the confines of Woodman's Inc. at 121 Main Street.
- Cynthia Schlaikjer, Essex Historical Society & Shipbuilding Museum, Inc. for use on Saturday, May 14, 2011, between the hours of 11:00 a.m. and 4:00 p.m. within the confines of the Essex Shipbuilding Museum Shipyard at 66 Main Street.

Paraffin Storage License Renewal:

- David R. Perkins, d/b/a Glass Dimensions, Inc., for inside, above-ground storage of liquid paraffin of up to 7,000 gallons of bulk storage plus finished goods inventory of bottled paraffin at 197 Western Avenue.

Corey Matthews thanked the Selectmen and left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period from April 9, 2011 to April 22, 2011, regarding the following:

Transfer of Old Computer Systems: Mr. Zubricki said that he had spoken to George Harvey from the North Shore Technical School District about whether the School District might be interested in the old computer systems that were replaced by the recent upgrade. Mr. Harvey will be contacting Mr. Zubricki to let him know if the District would like the systems to use for hands-on training. A motion was made, seconded, and unanimously voted to approve the donation of the old systems to the North Shore Technical School District, pending confirmation of their interest.

New Shellfish Constable: Mr. Zubricki reported that the Shellfish Deputy Constable has been delayed in Florida for an indefinite period of time and that leaves only the new Shellfish Constable to monitor the shellfishing 7 days a week. Mr. Zubricki said that he had received an

application from Michael Pascucci for the deputy position and asked if the Selectmen would like to hire Mr. Pascucci on a temporary basis to work until the regular Shellfish Deputy is able to return from Florida. The Town is currently advertising to fill the second shellfish deputy position that was left vacant when Mr. Knovak was promoted to Shellfish Constable, but the posting is not scheduled to close for a while. A motion was made, seconded, and unanimously voted to appoint Mr. Pascucci to the position of Deputy Shellfish Constable temporarily until Mr. Hartley returns from Florida. The Board said that they would also consider Mr. Pascucci, if he applies, for the currently vacant second Deputy Constable position.

Notice of Intent for Maintenance Clearing of Alewife Brook: Mr. Zubricki said that he had received an estimate from a local wetlands scientist in the amount of \$2,400 to prepare a Notice of Intent as required by the Department of Environmental Protection. However, he is waiting to hear from the Conservation Commission Chairman regarding whether or not it would be possible for one of the Commission members to assist Mr. Zubricki with the paperwork. The Selectmen suggested that Mr. Zubricki should call the ConCom Chairman to find out if it would be OK for a member to help with the required forms. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to complete the necessary forms with the help of the Conservation Commission, contingent upon the ConCom Chairman's approval.

Conomo Point Professional Design Services RFP: Mr. Zubricki said that he has not received any comment yet regarding the scope of services that Selectman O'Donnell has drafted. Selectman O'Donnell said that she will send out copies for comment after the Town Meeting to selected firms.

DPW Sidewalk Project: Mr. Zubricki reported that the Department of Public Works had only received two bids for the proposed 1,500 foot sidewalk extension. Both bids were high and the lowest one was for \$168,500. He said that the DPW was meeting tonight to decide whether or not to proceed with the project or to re-bid it. The Selectmen suggested that Mr. Zubricki should call Scott Karpinski and ask whether or not he would be interested in bidding on the job.

Pocket Park Design Project Update: Mr. Zubricki said that both he and Selectman O'Donnell have answered several questions posed by the project consultant. No one has heard from MassDOT regarding the proposed changes for the Village pocket park, but the Route 133 Project monthly update is scheduled for this Wednesday. Kevin Ricci, the owner of the Village Restaurant, has complained to the Selectmen's Office and the Town Administrator regarding the backup of traffic at his restaurant and Selectman O'Donnell reported that Mr. Ricci lodged a formal complaint with MassDOT officials regarding the project.

Mutual Aid Agreement Statutes: Mr. Zubricki said that the Town's Fire Department is already participating in a mutual aid agreement with local cities and towns. The Fire Department and the Police Department have reviewed the Public Safety mutual aid agreement and have recommended that the Board vote to join the statewide agreement. A motion was made, seconded, and unanimously voted to complete and return the Mutual Aid "Opt-in" Form for the MGL c. 40, §4J – Statewide Public Safety Mutual Aid Agreement.

At 7:30 p.m. the Chairman opened the Conomo Point Discussion.

Sample Appraisals, Bridge Leases: Mr. Zubricki said that the appraiser has informed him that he will provide a sample market rate appraisal for one seasonal property on northern Conomo Point and one seasonal property on southern Conomo Point by noon on Thursday.

The Selectmen confirmed that Chairman Randall and Selectman O'Donnell will be meeting with the Finance Committee on Thursday evening at the Essex Elementary School. The Selectmen's Assistant will post the meeting.

Approval of Revised Conomo Point Plan: Mr. Zubricki reported that the DEP has approved the revised Conomo Point Plan and Town Counsel is very pleased.

Status of Special Legislation for Conomo Point: Mr. Zubricki said that the Town has been providing the committee reviewing the Special Legislation with information on a daily basis and that Senator Tarr has informed him that it is expected to be released from by the committee with a "yes" vote tomorrow at 2:00 p.m. for review by the Senate; and, following approval by the Senate, it will then be forwarded to the House.

Everyone present said that they were extremely pleased with the Frequently Asked Questions (FAQ) statement regarding Conomo Point. It is being handed out around Town and is on the Town's website. Mark Lynch, Chair of the Conomo Point Planning Committee, suggested adding a question about whether or not the Town could be forced to provide sewer and water services for any development at the Point. In order to provide those services, Town Meeting would have to vote in favor of providing the services, and also, the Intermunicipal Agreement with the City of Gloucester would have to be amended to expand the sewer service to include the Conomo Point area.

It was suggested that Chairman Randall should contact the editor of the Gloucester Daily Times and request that the paper print the *FAQ statement* and the *Summary of the first three Conomo Point Articles* in their entirety and unedited. Mr. Zubricki will also forward these documents to the Beacon and the Manchester Cricket for publication, and drop some copies off at the Senior Center.

That concluded the Conomo Point discussion and John Bediz, Susan Coviello, William Liberti, Mark Lynch and Jim Witham left the meeting.

Jeff Soulard, Chair of the Finance Committee, said that they will be unable to provide a power point presentation of the Conomo Point financial exhibit. Mr. Zubricki said that it will be a handout at the meeting and agreed to change the format of the exhibit to an outline format.

Contingency Budget: It was agreed by everyone that in the event that the over-ride is not passed at Town Meeting, a contingency budget handout will be available to distribute and discuss on the

Town Meeting floor. Mr. Zubricki said that the DPW is considering postponing their request for a new DPW truck or finding an alternative funding source besides the override.

Jeff Soulard left the meeting. Teamster representatives Alice Riley, Ed King, and former ECO employee Colleen Frontiero joined the Selectmen.

Citing the need to discuss collective bargaining and contract negotiation with a non-union employee, the Chairman entertained a motion to move to Executive Session. The Chairman stated that discussing these matters in Open Session would be detrimental to the Town's bargaining strategy and detrimental to the Town's negotiating strategy. He said that the Board would be returning to Open Session and invited Ms. Riley, Mr. King, and Ms. Frontiero to attend the Executive Session for the collective bargaining component and Mr. Zubricki for the entire session. The motion was moved, seconded, and following a unanimous Roll Call Vote, the Board moved to Executive Session at 8:25 p.m.

The Board returned to Open Session at 8:37 p.m. Ms. Riley, Ms. Frontiero, and Mr. King had left the meeting during the Executive Session.

Draft Annual Town Meeting Motions: Mr. Zubricki reviewed each of the proposed motions for next week's Annual Town Meeting. The actual monetary amounts for each of the articles are still not finalized and some of the articles are expected to be postponed.

Mr. Zubricki reported that he and Chairman Randall had met with Town Moderator Rolf Madsen, Deputy Town Moderator David Lane, and Town Clerk Christina Wright to discuss the orchestration of next week's Annual Town Meeting. The non-resident, non-voting attendees will be seated in the large Teachers' Lounge at the school which will be provided with live audio from the actual meeting taking place in the gymnasium. As many residents as possible will be seated in the gymnasium. When and if capacity is reached in the gymnasium, people will then be seated in the cafetorium which will also be provided with audio of the meeting in the gymnasium. Use of the extra rooms will require an extra police detail, extra registrars and the rental of extra chairs. People wishing to speak at the meeting will have to move to the gymnasium. Although it has been anticipated that only the Conomo Point articles will be addressed during the first night of the meeting, Town Moderator Madsen has said that if time permits, he may try to cover some additional articles.

Mr. Madsen had suggested that Mr. Zubricki should ask the cable company if it would be possible for them to do a live broadcast of the Town Meeting that could be viewed by people in the cafetorium and/or the Teachers' Lounge.

In other business, a motion was made, seconded, and unanimously voted by Chairman Randall and Selectman Jones to approve and sign the weekly warrant in the amount of \$655,484.54, and further, to exempt from Section 20 of Chapter 268 A of the General Laws the contract with Ramie Reader contained within the warrant pursuant to subsection (d) of said Section. Selectman O'Donnell abstained from voting and signing the warrant.

A motion was made, seconded, and unanimously voted to approve a line item transfer in the amount of \$2,250 from Blanket Liability Insurance to Town Meeting Audio/Visual Expense.

A motion was made, seconded, and unanimously voted to approve a line item transfer in the amount of \$450 from Blanket Liability Insurance to Town Report Expense.

A motion was made, seconded, and unanimously voted to approve a line item transfer in the amount of 3,000 from Blanket Liability Insurance to Town Property Expense.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the April 11th, 2011, Selectmen's Open Meeting, the April 11th, 2011, Selectmen's Executive Session I & II, the April 15th, 2011, Selectmen's Open Session, and the April 15th, 2011, Selectmen's Executive Session.

The Selectmen considered the *recommendation of Fire Chief Dan Doucette* and Deputy Fire Chief Ramie Reader and a motion was made, seconded, and unanimously voted to appoint Tim Lane to the Board of Fire Engineers.

Mr. Zubricki said that the Selectmen's Office had received a request from a film company to film a commercial for running shoes on Island Road on Friday, April 29th, 2011. The company would be on site for approximately 5 to 6 hours. A motion was made, seconded, and unanimously voted to approve the request contingent upon the advice of the Police Department regarding public safety requirements. Selectman O'Donnell abstained from the vote.

A motion was made, seconded, and unanimously voted to approve and sign a license to the *Conomo Point Association to attach ramps and floats* to the piers at Conomo Point from May 1, 2011 through November 1, 2011.

A motion was made, seconded, and unanimously voted to approve and sign a request from Barbara Muise to hold her family reunion at Centennial Grove on Sunday, August 21st, 2011, between the hours of 11:00 a.m. and 6:00 p.m.

The Selectmen were reminded that the Essex Division of the Cape Ann Chamber of Commerce will meet at Periwinkles on Friday, April 29th, 2011 at 8:00 a.m. Chairman Randall, Selectman O'Donnell, and Town Administrator Zubricki will attend.

The Board of Selectmen asked that they be posted for a meeting on Monday morning, May 2, 2011, at 7:30 a.m. to take care of any last minute details regarding that evening's Town Meeting. The next regular Board of Selectmen's meeting will take place that evening in the Teachers' Lounge on Monday, May 2, 2011, starting at 6:30 p.m.

The Essex Lions Club program honoring High School Seniors who attended Essex Elementary School will take place on Wednesday, May 18, 2011 at 7:00 p.m. at the American Legion Post in Manchester. Selectman Jones will attend the ceremony.

There being no other business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:25 p.m.

Documents discussed during this meeting include the following:

FAQ Statement

Summary of the first three Conomo Point Articles

Recommendation of Fire Chief Dan Doucette

Conomo Point Association to attach ramps and floats

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell