

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

June 6, 2011

Present: Chairman Jeffrey D. Jones, Selectman Lisa J. O'Donnell, Selectman Susan Gould-Coviello, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham.

Also Present: Treasurer/Collector Virginia Boutchie, Alva Ingaharro, Jim Haskell, Gregg Carroll, Leslie Burns, Edward Kawczynski, Mr. Ciarametaro, and Jeffrey DeAngelo.

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 comment.

Edward Kawczynski, of 21 Shore Ave, Salem, and Jeffrey P. DeAngelo, of 36 Florence Street, Roslindale, came before the Selectmen to request a waiver of the filing deadline for a non-resident, non-commercial clamming permit. Both men live out of town and were unaware that the shellfish regulations for obtaining a non-resident license had recently been changed. A motion was made, seconded, and unanimously voted to approve the waiver of the filing deadline and the Selectmen signed approval of the two applications.

Mr. Ciarametaro asked the Selectmen to waive the filing deadline for his son, Troy Ciarametaro, who is seeking a student commercial clamming permit. Mr. Ciarametaro was also unaware that the regulations had been recently changed. A motion was made, seconded, and unanimously voted to waive the deadline for Troy Ciarametaro, and the Selectmen signed his application.

Mr. Kawczynski, Mr. DeAngelo, and Mr. Ciarametaro left the meeting.

The Selectmen considered a written request from Michael Rogers, of 62 Bailey Lane, Georgetown, for a waiver of the filing deadline for an annual non-resident, non-commercial clamming permit. A motion was made, seconded, and unanimously voted to waive the deadline and the Selectmen signed his application.

Mr. Zubricki presented his Town Administrator's Report for the period May 14th through June 3rd, 2011 regarding the following:

FEMA Snowstorm Reimbursement: Mr. Zubricki said that the Department of Public Works' Superintendent has been successful in obtaining grant money to reimburse the Town for some of the costs associated with last winter's storms. The Town now needs to complete the paperwork, before the State will forward the grant money. A motion was made, seconded, and unanimously voted to sign the required *paperwork for the FEMA reimbursements*. The Chairman's signature on the documents was witnessed by Virginia Boutchie in her capacity as a notary public and she left the meeting.

Barbara and Paul Russell of Island Road appeared before the Selectmen to request the Selectmen's assistance in changing the address number for their property on Island Road. Their lawyer has been unsuccessful in discussing the request with the Emergency Center. The Selectmen were in agreement that they will defer the matter to the Chief of Police who is in charge of the Emergency Center which is responsible for establishing addresses for 911 (by delegation from the Selectmen). The Russells thanked the Selectmen for their help in expediting this matter. They left the meeting.

Red Tide Posting and State Update/Decision Making Process: Mr. Zubricki said that a few people have contacted both he and the Shellfish Constable with questions regarding closure of the clam flats recently. Mr. Zubricki said that it is the prerogative of the Director of Marine Fisheries (DMF) to determine when the flats will be closed. The closure is based on a number of contributing factors, including the sole discretion of the Director. Among the many factors that may or may not be considered is a "count" of toxin levels in sample shellfish. The Shellfish Constable or the Town may request the actual count number from the DMF. Mr. Zubricki said that the DMF prefers that the notices posted on the closed flats specify the reason for the closure (such as red tide). Closures due to red tide generally last longer than closures due to excessive rainfall. This practice is followed in other towns, as well as in Essex. Mr. Zubricki said that the Selectmen's Office would be able to print some large official signs for posting the closed flats for red tide in the future. This will obviate the need for the Shellfish Constable to hand-write the red tide notation.

Deputy Shellfish Constable Vacancy: Mr. Zubricki reported that four applications have been received expressing interest in the vacant Deputy Shellfish Constable position. The Selectmen said that they would like to review the applications and asked Mr. Zubricki to find out if the Shellfish Constable had any comments regarding the applications. There is a Deputy Shellfish Constable who covers for the Constable during weekends, vacations, and sick time. A second Deputy Constable is needed to cover during the winter months and other times that the first deputy is not available.

Conomo Point Planning Committee Focus: Now that some of the original goals and objectives of the Conomo Point Planning Committee have been met, the Selectmen discussed other areas of focus that may be useful. Selectman O'Donnell suggested that the Committee's assistance in drafting and organizing a Request for Proposals from landscape architect firms regarding design proposals and implementation for the future use of northern Conomo Point would be greatly appreciated. Selectman Gould-Coviello said that she would forward that suggestion to CPPC Chair Mark Lynch.

In other Conomo Point business, it was the consensus of the Board that the existing vacancy on the Conomo Point Planning Committee created by the resignation of Selectman O'Donnell be filled at the next Annual Town Meeting in May 2012.

Regional Datacenter Roundtable: Mr. Zubricki reviewed a *summary chart of Information/Technology Functions* used by Town personnel, grouped with the corresponding

cost and according to whether the functions are outsourced or contained in-house. There is no intention of changing the status of the currently outsourced functions. However, the chart noted that it may be advantageous to move some of the in-house functions. Mr. Zubricki has identified three areas that might be moved to a Hosted Datacenter such as Melrose. The Selectmen were in agreement that Mr. Zubricki should confer with the City of Melrose regarding the anticipated cost of moving and maintaining these three functions on the Melrose regional system.

At 7:30 p.m., School Committee members Alva Ingaharro and Gregg Carroll came forward to discuss the School Committee vacancy left by the resignation of Susan Gould-Coviello. There have been no letters of interest or applications received by the Selectmen or the School Committee. Jim Haskell came forward at this time and said that he would like to volunteer for the position. Since this is an elected position, the Selectmen may appoint a replacement to serve from now until the next regularly scheduled Town election in May 2012. At that election, someone will be chosen by the voters to complete the remaining term of Ms. Gould-Coviello (in this case, 1 year). Upon completion of the remaining term, a member may then be elected for the standard 3-year term. Following discussion by all present about the time commitment needed for this position, a motion was made and seconded to appoint Jim Haskell to the School Committee. The motion was unanimously voted by all three Selectmen and both School Committee members. Mr. Haskell was congratulated and he, Ms. Ingaharro, and Mr. Carroll left the meeting.

Leslie Burns, Chair of the Centennial Grove Committee, presented an update on the findings of her committee. Ms. Burns has been researching how Tuck's Point in Manchester operates and shared some of Manchester's practices with the Selectmen. After some discussion, the Selectmen asked that the Committee put together a five-page summary of their findings and recommended goals for Centennial Grove and submit it to the Selectmen for their review.

On another matter, Ms. Burns, who is also a member of the Open Space Committee, asked the Selectmen to consider a request from the Open Space Committee to hold a meeting at the Grove Cottage on Monday, June 13th, 2011, starting at 6:00 p.m. A motion was made, seconded, and unanimously voted to approve the request. Ms. Burns thanked the Selectmen and left the meeting.

Mr. Zubricki resumed the presentation of his Town Administrator's report:

Council on Aging Van Driver Position Description: Mr. Zubricki reviewed the suggested revisions he had made to a draft from the Council on Aging of a new job description for a COA van driver that will be funded in the FY2012 budget. The Selectmen were in agreement, and in their capacity as acting Personnel Board, a motion was made, seconded, and unanimously voted to approve the *revised job description for the COA Van Driver*.

Purchase of New DPW Dump Truck: Mr. Zubricki reminded the Selectmen that the DPW would be obtaining a new truck through a *3-year lease/purchase agreement* with All American Investment Group, LLC. The first-year payments will be funded with Chapter 90 funding and the

last two years will be funded from the operating budget. A motion was made, seconded, and unanimously voted to approve and sign the agreement documents.

Paglia Pocket Park Theme: Mr. Zubricki said that Mr. Bradford and Mr. Howard have requested a letter from the Selectmen stating their position regarding the placement of the shipbuilding monument at Paglia Park. Mr. Zubricki said that he had reviewed a letter and an email that was previously sent to Mr. Bradford and Mr. Howard. The Selectmen were in agreement that these communications were sufficient and that the letters accurately and clearly stated their position regarding why the monument is not appropriate for Paglia Park.

Additional Summer Camp Options: Mr. Zubricki reported that the YMCA has received some requests to offer additional options for the summer program at Centennial Grove and presented a *list of the additional options* proposed. A motion was made, seconded, and unanimously voted to ratify the Chairman's approval of option #1. A motion was also made, seconded, and unanimously voted to approve requested options #2, #3, and #4.

Finance Committee Chair Jeff Soulard came before the Selectmen to present Sherri Davis, a new resident of Essex, and to recommend that the Selectmen appoint her to fill one of the vacant positions on the Finance Committee. Subsequently, a motion was made, seconded, and unanimously voted to appoint Ms. Davis to the Finance Committee. Ms. Davis may become the Finance Committee's representative to the Town Building Committee as well.

Site Walk, Lahey Building: Mr. Zubricki and Selectman O'Donnell commented on their recent visit to the Lahey Building on Martin Street which is for sale. The building is small, but Selectman O'Donnell thought that it might be large enough to house the administrative offices at the Town Hall as an interim measure until more adequate space can be provided. The interim space may be cheaper to maintain and would be completely handicap accessible. The library could then expand to fill the entire first floor of the Town Hall and the rest of the building could be closed off to save heating costs, etc. Plans for new town administrative space and library space are presently on hold (for at least ten years) until after the space requirements for the Fire Department and the Police Department are resolved. FinCom Chairman Soulard was interested in the idea and Mr. Zubricki agreed to arrange another site visit to include representatives from the Finance Committee, the Board of Selectmen and Mr. Zubricki.

The Selectmen welcomed Ms. Davis to Town and congratulated her on agreeing to join the Finance Committee. Both she and Mr. Soulard left the meeting.

Conomo Point Bridge Lease Appraisal Specifications: Mr. Zubricki said that the Selectmen will be reviewing the draft bridge lease for Conomo Point later in Executive Session. He said that the lease will be an exhibit in the Request for Proposals that will be released for bidding on June 13th. The Town's consulting real estate appraiser has provided a list of approximately 20 appraisal companies that have the desired professional qualifications to execute the proposal. The RFP will be sent directly to those companies as well as placed in the usual venues to be seen by the general community. The RFP calls for the company that is awarded the contract to

complete the work by September 9, 2011. The Selectmen reviewed the RFP and a motion was made, seconded, and unanimously voted to approve the proposal for release on June 13th.

Repair of "Welcome to Essex" Sign: It was reported that the welcome to Essex sign has been repaired. Chairman Jones volunteered to have someone look at both signs and determine whether they may need to be repainted.

Damage to Stone Pier, Conomo Point: Mr. Zubricki said that the Conomo Point Association has asked permission to repair one of the Stone Piers at Conomo Point. Mr. Zubricki reviewed a license that had been prepared by Town Counsel that would allow the Association to repair both the stone piers, if necessary. A motion was made, seconded, and unanimously voted to approve the license, to forward it to the Association for approval, and to sign the license outside of a meeting upon its approval and signature by the Association.

Revised Consolidated Conomo Point Calendar: Mr. Zubricki commented briefly on the progress to date regarding items on the Conomo Point Calendar. He said that the next item for completion is the submittal of the proposed subdivision plan for southern Conomo Point to the Planning Board. This is scheduled to take place on June 15th, 2011. Nick Cracknell from the Horsley Witten Group is making some last minute changes to the plan and will distribute it for preliminary review later this week.

Amendment to Special Legislation: Mr. Zubricki said that he has been informed by an aide in Senator Tarr's office that it is the customary practice (although not a law) when seeking an amendment to special legislation, to obtain a vote from Town Meeting authorizing pursuit of the amendment. After some discussion, the Selectmen each agreed to call Senator Tarr and Representative Ferrante to lobby against requiring a second vote from Town Meeting because of the limited time available before the end of the Conomo Point leases this December. Mr. Zubricki will provide the telephone numbers and compile a list of talking points for the phone calls.

Notice of Intent, Alewife Brook Clearing: Mr. Zubricki reported that Derosa Environmental Consulting Inc. has submitted a *proposal to prepare a Notice of Intent* regarding the annual clearing of Alewife Brook and related trouble spots. A motion was made, seconded, and unanimously voted to authorize Mr. Zubricki to sign the proposed scope of work with Derosa Environmental. A motion was also made, seconded, and unanimously voted to ratify the Town Administrator's signature on a Reserve Fund Transfer request in the amount of \$2,500 to Town Property maintenance to pay for Derosa Environmental Consulting Inc. to complete the Notice of Intent for the Alewife Brook.

Flu and Pneumonia Third Party Billing Contract: Mr. Zubricki said that the Board of Health would like to seek more reimbursements from people using their flu clinics and have asked the Selectmen to sign a *contract for services with Public Sector Partners, Inc.* for certain duties relative to municipal immunization reimbursement. A motion was made, seconded, and unanimously voted to approve and sign the PSP contract.

In other business, a motion was made, seconded, and unanimously voted to approve and sign the weekly warrant in the amount of \$91,246.05.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the May 16th, 2011, Selectmen's Open Meeting.

A motion was made, seconded, and unanimously voted to approve a line item transfer of \$1,000 from GIS Mapping Services to Town Property Expense for assistance with the RFP for appraisals at Conomo Point.

A motion was made, seconded, and unanimously voted to ratify the Town Administrator's signature on a Reserve Fund Transfer request in the amount of \$2230 to Town Property maintenance to pay for removal of an unused wire from a utility pole.

A motion was made, seconded, and unanimously voted to reappoint Paul Rullo to the Board of Public Works at the recommendation of the Town Moderator Rolf Madsen.

The Selectmen discussed the failure of The Red Barrel to obtain an annual weekday entertainment license. The restaurant has been displaying a sign advertising live music in the parking lot and has not responded to a certified notification from the licensing office. Mr. Zubricki agreed to call the owner and have a discussion about obtaining an application for a license. A motion was made, seconded, and unanimously voted to approve the license application outside of a Board of Selectmen's meeting as soon as it is received.

A motion was made, seconded, and unanimously voted by Selectman O'Donnell and Selectman Gould-Coviello to ratify the approval of use of Centennial Grove by the Class of 2011 on June 2, 2011, between the hours of 11:30 a.m. and 3:00 p.m. Chairman Jones abstained from the voting.

A motion was made, seconded, and unanimously voted to ratify the Chairman's signature on the renewal application for Police and Fire accident coverage.

The Selectmen reviewed a request by Charlotte Spintig to change the name on her lease at Conomo Point from Charlotte Spintig Eldridge to Charlotte Spintig and to add her husband's name, Stephen Grimes, to the lease for the property at 8 Conomo Lane, Map 19, Lot 84. A motion was made, seconded, and unanimously voted to approve the request.

A motion was made, seconded, and unanimously voted to sign the Small Business Week Proclamation naming Harold Burnham of Pinky Maine Charters Small Businessperson of the year in Essex. The proclamation will be framed and presented to Mr. Burnham at a reception in his honor on Thursday, June 9, 2011 at Periwinkles Restaurant starting at 5:00 p.m. There is a luncheon on Friday, June 10, at the Gloucester House Restaurant, starting at 12:00 noon, to honor all the Cape Ann businessmen of the year.

Mr. Zubricki reported that it has been suggested that water service for Paglia Park would be useful to water plantings, etc. After some discussion, it was agreed that Mr. Zubricki would discuss the idea with the Board of Public Works Superintendent.

Mr. Zubricki said that Senator Tarr and Representative Ferrante will be hosting a "think tank" at the Fire Station on June 16, 2011 at 10:00 a.m. to discuss ways to promote business in Essex in 2012 after MassDOT has finished their many-year reconstruction project of Route 133. Selectmen O'Donnell and Gould-Coviello will attend.

The next Department Head Meeting will take place on July 25, 2011, at the Senior Center, starting at 7:30 p.m. The focus of the meeting will be to provide an opportunity for all Town boards and committee to offer updates on their recent activities and accomplishments.

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

One-Day Wine and Malt License:

- Vote to ratify the Licensing Clerk's signature for Woodman's Inc. for use on Friday, May 20, 2011, between the hours of 12:00 noon and 10:00 p.m. within the confines of the tented area at Woodman's Inc. at 121 Main Street.
- Vote to ratify the Licensing Clerk's signature for Woodman's Inc. for use on Sunday, May 29, 2011, between the hours of 12:00 noon and 9:00 p.m. within the confines of The Trap at Woodman's Inc. and the fenced-in corral area at 121 Main Street.
- Essex County Greenbelt, Sheilagh Doerfler, for use on Thursday, June 9, 2011, between the hours of 5:00 and 8:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Essex County Greenbelt, Sheilagh Doerfler, for use on Friday, June 10, 2011, between the hours of 5:30 and 8:30 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Woodman's, Inc., Joanie Houghton, for use on Sunday, June 12, 2011, between the hours of 12:00 noon and 9:00 p.m. within the confines of Woodman's, Inc. at 121 Main Street.
- North Shore Bartending Service, George McCabe, for use on Saturday, July 9, 2011, between the hours of 3:00 p.m. and 10:00 p.m. within the confines of the Essex Conference & Retreat Center at 1 Conomo Point Road.
- North Shore Bartending Service, George McCabe, for use on Saturday, June 18, 2011, between the hours of 3:00 p.m. and 10:00 p.m. within the confines of the Essex Conference & Retreat Center at 1 Conomo Point Road.
- Woodman's, Inc., Joan Houghton, Catering Sales, for use on Tuesday, June 14, 2011, between the hours of 12:00 noon and 10:00 p.m. within the confines of Woodman's at 121 Main Street.
- Cape Ann Chamber of Commerce, Sharon Bragg, for use on Saturday, June 18, 2011, between the hours of 10:00 a.m. and 10:00 p.m. within the confines of

Memorial Park, contingent upon the usual amount of liability insurance and a police detail. Vote to waive license fee.

One-Day Entertainment License:

- Essex County Greenbelt, Art in the Barn, Sheilagh Doerfler, for use on Thursday, June 9, 2011, between the hours of 5:00 and 8:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Essex County Greenbelt, Art in the Barn, Sheilagh Doerfler, for use on Friday, June 10, 2011, between the hours of 9:30 a.m. and 8:30 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Essex County Greenbelt, Art in the Barn, Sheilagh Doerfler, for use on Saturday, June 11, 2011, between the hours of 9:30 a.m. and 6:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Essex County Greenbelt, Art in the Barn, Sheilagh Doerfler, for use on Saturday, June 12, 2011, between the hours of 10:00 a.m. and 4:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- The Essex Historical Society & Shipbuilding Museum, Cynthia Schlaikjer, for use on Saturday or Sunday, 6/18, 6/19, 6/25, 6/26, 7/2 or 7/3 between the hours of 11:00 a.m. and 11:59 p.m. within the confines of the Essex Shipbuilding Museum Shipyard at 66 Main Street.
- Cape Ann Chamber of Commerce, Sharon Bragg, for use on Saturday, June 18, 2011, between the hours of 10:00 a.m. and 10:00 p.m. within the confines of Memorial Park. Vote to waive license fee.

At 9:37 p.m., citing the need to discuss collective bargaining, the leasing of real property, and pending litigation, the Chairman entertained a motion to move to Executive Session. He stated that discussing these matters in Open Session would be detrimental to the Town's bargaining position, detrimental to the lease negotiation process, and detrimental to the Town's litigating strategy. He said that the Board would be returning to Open Session and invited Mr. Zubricki to attend the Session. The motion was moved and seconded; and, following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 10:25 p.m.

The Selectmen were reminded of the following items:

- The Selectmen will meet at 7:30 a.m. on Wednesday, June 8, 2011 in the T.O.H.P. Burnham Library to discuss bridge leases.
- The Conomo Point Planning Committee has scheduled meeting for 7:30 p.m. on Thursday, June 9, 2011, at the Senior Center.
- The Firemen's Memorial Sunday Parade will take place on June 12th, beginning at approximately 8:45 a.m.

- The Board of Selectmen will meet with the Planning Board at 8:00 p.m. on Wednesday, June 15, 2011, in the Library to present and discuss the preliminary subdivision plan for southern Conomo Point.
- The next regular Board of Selectmen's meeting will be on Monday, June 20th, 2011, at 7:00 p.m. in the T.O.H.P. Burnham Library.

There being no further business before the Board at this time, a motion was made, seconded, and unanimously voted to adjourn the meeting at 10:37 p.m.

Documents used during this meeting include the following:

Paperwork for the FEMA Reimbursements
Summary Chart of Information/Technology Functions
Revised Job Description for the COA Van Driver
3-year Lease/Purchase Agreement
List of the Additional Summer Camp Options
Proposal to Prepare a Notice of Intent
Contract for Services with Public Sector Partners

Prepared by: _____
Pamela J. Witham

Attested by: _____
Lisa J. O'Donnell