

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

**June 4, 2012**

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

The Chairman called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Library and announced that the Board would hear Public Comment. No one from the public was present to offer comment.

In other business, a motion was made, seconded, and unanimously voted to approve the weekly warrant in the amount of \$223,280.25.

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

**One-Day Wine and Malt License:**

- Sharon Bragg, Cape Ann Chamber of Commerce, for use on Saturday, June 9<sup>th</sup>, 2012, between the hours of 10:00 a.m. and 10:00 p.m. within the confines of Memorial Park for Essex River Day.
- Sheilagh Doerfler, Essex County Greenbelt Association, Inc., for use on Thursday, June 14<sup>th</sup>, 2012, between the hours of 5:00 p.m. and 8:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Sheilagh Doerfler, Essex County Greenbelt Association, Inc., for use on Thursday, June 15<sup>th</sup>, 2012, between the hours of 6:00 p.m. and 8:30 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Joan Houghton, Woodman's Inc., for use on Saturday, June 16, 2012, between the hours of 12:00 noon and 10:00 p.m. within the confines of Woodman's Function Hall.
- Joan Houghton, Woodman's Inc., for use on Saturday, June 30, 2012, between the hours of 12:00 noon and 10:00 p.m. within the confines of Woodman's Function Hall.

**One-Day Entertainment License:**

- Sharon Bragg, Cape Ann Chamber of Commerce, for use on Saturday, June 9<sup>th</sup>, 2012, between the hours of 10:00 a.m. and 10:00 p.m. within the confines of Memorial Park for Essex River Day.

- Sheilagh Doerfler, Essex County Greenbelt Association, Inc., for use on Thursday, June 14<sup>th</sup>, 2012, between the hours of 5:00 p.m. and 8:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Sheilagh Doerfler, Essex County Greenbelt Association, Inc., for use on Friday, June 15<sup>th</sup>, 2012, between the hours of 9:30 a.m. and 8:30 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Sheilagh Doerfler, Essex County Greenbelt Association, Inc., for use on Saturday, June 16<sup>th</sup>, 2012, between the hours of 9:30 a.m. and 6:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.
- Sheilagh Doerfler, Essex County Greenbelt Association, Inc., for use on Sunday, June 17<sup>th</sup>, 2012, between the hours of 9:30 a.m. and 4:00 p.m. within the confines of the Cox Reservation at 82 Eastern Avenue.

A motion was made, seconded, and unanimously voted to ratify the Selectmen's decision to exempt from Section 20 of Chapter 268A of the General Laws, the contract with Ramie Reader contained within last week's warrant pursuant to subsection (d) of said Section.

A motion was made, seconded, and unanimously voted to approve and sign the minutes for the May 21<sup>st</sup>, 2012, Selectmen's Open Meeting and for the May 21<sup>st</sup>, 2012 Selectmen's Executive Session.

A motion was made, seconded, and unanimously voted to approve the following Line Item Transfer Requests:

- A line item transfer request in the amount of \$317.82 from Selectmen's Temp Clerical to Shellfish Deputy.
- A line item transfer request in the amount of \$125.00 from Shellfish Uniform Allowance to Shellfish Fuel.
- A line item transfer request in the amount of \$208.57 from Shellfish Boat Repairs to Shellfish Fuel.

A motion was made, seconded, and unanimously voted to request North Shore HOME Consortium to allocate all FY2012 HOME funds allocated to the Town of Essex to Healing Abuse Working for Change (HAWC) for its rental subsidy program.

A motion was made, seconded, and unanimously voted to approve a proclamation designating July 26, 2012 as ADA Day. The Chairman signed the proclamation.

A motion was made, seconded, and unanimously voted to approve a recommendation to appoint Keith Carter to the Board of Fire Engineers at Deputy Chief. The Selectmen signed his appointment card.

The Selectmen were reminded that there will be a Public Hearing relative to the Flood Plain Bylaw Amendment on Wednesday, June 6<sup>th</sup>, 2012, at 8:00 p.m. at the Fire Station.

There will be a Special Town Meeting on June 11, 2012 at the Essex Elementary School starting at 7:30 p.m. to seek to amend the Flood Plain Bylaw.

The next Board of Selectmen's meeting will take place on Monday, June 18<sup>th</sup>, 2012, at 7:00 p.m. in the T.O.H.P. Burnham Library on Martin Street.

A motion was made, seconded, and unanimously voted to approve a request from the First Presbyterian Church of Ipswich to hold their annual picnic at Centennial Grove on Sunday, July 29, 2012, between the hours of 2:00 and 7:00 p.m.

The Selectmen reviewed a request for permission to pass over Essex roads during the 16<sup>th</sup> Annual Cycle for Life to benefit the Floating Hospital for Children's Cancer Center on Saturday, September 8, 2012, and a motion was made, seconded, and unanimously voted to approve the request.

The Selectmen, acting in their capacity as Personnel Board, reviewed a request from Dennis Burnham to carry over two vacation days to use at the beginning of FY2013. A motion was made, seconded, and unanimously voted to approve Mr. Burnham's request.

A motion was made, seconded, and unanimously voted to sign the proclamation designating June 4<sup>th</sup> through June 11<sup>th</sup> as Small Business Week and to sign the Small Businessman of the Year Award for Rick and Jean Grobe.

Mr. Zubricki said that Fire Chief Dan Doucette has invited the Selectmen to march in the Fireman's Memorial Sunday parade on June 10<sup>th</sup>, 2012, beginning at 8:45 a.m.

Police Chief Silva and Special Police Officer Tom Berube joined the Selectmen. Chief Silva said that he would like to recommend that Tom Berube be promoted to the rank of Reserve Officer and reviewed Officer Berube's extensive curriculum vitae. Officer Berube spoke about different aspects of his training to date. Subsequently, a motion was made, seconded, and unanimously voted to appoint Mr. Berube to the position of Police Officer – Part-Time. The Selectmen congratulated Mr. Berube, and the Chief and Mr. Berube left the meeting.

Mr. Zubricki began the presentation of his Town Administrator's Report for the period May 19<sup>th</sup>, 2012 through June 1<sup>st</sup>, 2012, regarding the following:

Formation of a Cultural District: Mr. Zubricki reported that he has discussed the concept of a cultural district with Town Counsel. A vote of Town Meeting is not required to create the district and it is the Selectmen's prerogative to make a resolution creating one. There is a certain procedure that needs to be followed before submitting the Town's request for the creation of a district to the State and the first step is the creation of a map of the proposed district. The map will become part of the application package and will be used as an exhibit at a public forum that will be scheduled to publicize the idea and collect public input. The Selectmen were in agreement that they would like to ask Jean Grobe to organize a small group to complete the map

and help with the public forum. Mr. Zubricki will schedule the public hearing in consultation with Ms. Grobe and Chairman Jones.

It was mentioned that Mike Dyer is considering stepping down from his chairmanship of the Long Term Planning Committee and that Andrew St. John may be succeeding him.

Selectman O'Donnell reported that she has been exploring various possibilities for the causeway. One idea that was suggested to her would be for the Town to acquire the Essex River House property and to modify that property to provide public access to and from the River. The site could include a public landing, rest rooms, and picnic tables. Mr. Zubricki indicated that this concept will be included in the Salem State report.

Marina Operator's Liability and Marine Pollution Liability Policies: Mr. Zubricki said that the Town's insurance carrier has recommended that the Town consider three new insurance policies relating to the Town's practice of leasing moorings and liability associated with fuel and oil spills. The policies would cost \$4,275 per year and commence with the fiscal year on July 1<sup>st</sup>. A motion was made, seconded, and unanimously voted to approve the policies and the Selectmen signed the insurance proposal.

Next Steps for Town Building Planning: Now that the Town has voted against relocating the Library and the Town Offices, the Selectmen agreed that the Town Building Committee should focus on resolving the needs for an adequate Public Safety Building to house the Police and Fire Departments. The Committee will work to publicize the many advantages of the proposed site on John Wise Avenue and address the concerns of those who oppose the site.

Assessors' Office Window Replacement: Mr. Zubricki reported that he has been in contact with Gregg Campbell regarding a broken window in the Assessors' Office. A few years ago, Mr. Campbell made repairs to the Town Hall and the Town was very satisfied with Mr. Campbell's work. Mr. Campbell has offered to remove the broken glass from the outer window and to secure the window frame (which is loose) to the building at no cost to the Town. The Selectmen had no objection to Mr. Campbell performing the work. Once the repair is complete, the Assessors air conditioner can be placed in the window.

Prisoner Lockup Agreement with Town of Manchester: Mr. Zubricki said that the agreement between Manchester and Essex to provide a prisoner lockup facility on an as needed basis is up for renewal. He reported that the agreement has worked out well in the past for both municipalities. A motion was made, seconded, and unanimously voted to approve and sign the renewal agreement outside of a Selectmen's meeting as soon as it is available.

Licensure of Town Property for Commercial Purposes: Mr. Zubricki said that he has discussed the various drawbacks of licensing Town property with the restaurant owner seeking use of Town land for an outdoor café adjacent to his restaurant. Mr. Zubricki said that the restaurant owner would like to go ahead with the application even though he realizes that the license may be terminated at any time. After a discussion, a motion was made, seconded, and unanimously

voted to consider a license for this property after the restaurant owner receives approval from the Alcoholic Beverage Control Commission to alter his premises, and contingent upon the Conservation Commission's approval of any improvements that he may wish to make to the property, and the provision of an adequate liability insurance certificate to the Town. The Selectmen said that they may be willing to consider a six-month revocable license for a fee of about \$200.

Successor License for Paglia Park: Mr. Zubricki reported that the signed renewal license for Paglia Park has been received. A motion was made, seconded, and unanimously voted to approve and sign the renewal license for a period of two years.

Protocol and Conditions for Others to Join Regional Dispatch: Mr. Zubricki reviewed the Regional Emergency's proposal regarding the protocol and conditions that would allow other towns and communities to join the program. The Selectmen were in agreement that the proposal seemed reasonable and they were not in favor of asking new members to pay any "joining" fees, since such fees may serve as a disincentive for growth.

Adoption of Multi-Hazard Mitigation Plan: Mr. Zubricki said that the plan for Multi-Hazard Mitigation has been received. The Plan is the culmination of a three-year project. A motion was made, seconded, and unanimously voted to adopt the proposed Multi-Hazard Mitigation Plan and the Selectmen signed the plan.

Mr. Zubricki said that the Mark Lynch, Conomo Point Planning Committee Chair, has asked for the names of design firms interested in waterfront access at Conomo Point. Five design firms had either submitted proposals and/or walked the area with Town officials a couple of years ago. The Selectmen agreed that they would like the Committee to review the firms as they work on a new scope of services for northern water front access planning and design.

At 8:32 p.m., citing the need to discuss the Town Administrator's employment contract, the lease, sale, and value of property at Conomo Point, and the Gloucester Sewer Billing Dispute, 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 negotiating position and litigating strategy. He said that the Board would be returning to Open Session and invited Town Administrator Brendhan Zubricki to attend the session. The motion was moved and seconded. Following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 8:59 p.m.

Former Selectman Ray Randall joined the Selectmen. Mr. Randall said that he had had several discussions with various residents since the Special Town Meeting and the Annual Town Meeting. He said that both he and Barry Weiner would like to offer their services to help strengthen the concise and accurate presentation and discussion of articles at town meeting. The Selectmen appreciated Mr. Randall's offer. Mr. Randall thanked the Selectmen and left the meeting.

There being no further business before the Board, a motion was made, seconded, and unanimously voted to adjourn the meeting at 9:30 p.m.

Documents discussed during this meeting include the following:

*None*

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

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