

Selectmen's Minutes

March 26, 2007

Present: Chairman Jeffrey D. Jones, Selectman Mark W. Lynch, and Selectman A. Raymond Randall, Jr.

Also Present: Town Administrator Brendhan Zubricki and Judd Pratt, a Conomo Point resident.

Chairman Jones 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 comments were offered.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$103,976.80.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes of the March 19th, 2007 Selectmen's meeting.

After reviewing letters of request, a motion was made, seconded, and unanimously Voted to waive the commercial clamming license application deadline for Mark Lane, Kyle Leveille, Kameron Leveille, and Brad St. Martin.

The Selectmen and the Town Administrator were reminded of the Evening Business Exchange on Tuesday, March 27th at the Sawyer Free Library from 5:00 to 7:00 p.m., as well as the Cape Ann Breakfast Club on Friday, April 13th, at Brackett's Oceanview Restaurant starting at 7:30 a.m. with a presentation about Rockport's new Cultural and Civic Center. No one will be able to attend either meeting.

The Selectmen reviewed a letter from Police Chief Silva regarding his anticipated full-time police officer staffing goals and the addition of Ryan Davis to the Police Department. A motion was made, seconded, and unanimously Voted to appoint Ryan Davis to the position of full-time Police Officer, effective February 9th, 2007.

At 7:05 p.m., the Chairman entertained a motion to open the Public Hearing for the transfer of Tom Shea's all alcohol restaurant liquor license. The motion was moved, seconded, and unanimously Voted. Present were David Brown, the buyer and proposed new manager; Mark Miller, a restaurant owner and broker; Teri Shea, the current owner; and, Charlie Perkins. The Chairman asked if there was anyone, other than the applicant, to speak in favor of the transfer. Mark Miller said that he has known David Brown for many years and has eaten at Mr. Brown's old restaurant many times. Mr. Miller has a high regard for David Brown. The Chairman asked if there was anyone to speak against the transfer. There were no comments against. Selectman Lynch asked several questions regarding Mr. Brown's past. Mr. Brown said that he had a business plan in place and that the current revenues from the restaurant will be sufficient to fund his mortgages and other expenses. The Chairman entertained a motion to close the hearing. The motion was moved, seconded, and unanimously Voted. Subsequently, a motion was made, seconded, and unanimously Voted to approve Mr. Brown's application for the transfer of the All Alcoholic Restaurant License from Essex Landing, Inc., d/b/a Tom Shea's, Kristine

Bouchie, manager, to Greenbow Corporation, d/b/a Tom Shea's, David Brown, manager, at 122 Main Street and a pledge of license subject to a letter from Mr. Brown's attorney providing more information relative to questions 13 and 14 on Form A of the license transfer application.

Chairman Jones entertained a motion to open the Public Hearing regarding two dogs owned by Ian Burgess, 16 Harlow Street that had attacked a dog being walked on a leash by Catherine Xavier of Eastern Avenue. Mr. Burgess and Ms. Xavier were present. The motion was moved, seconded, and unanimously Voted. The Chairman asked anyone that planned on speaking during the hearing to raise their hands and solemnly swear that what they are about to say is the truth. Mr. Burgess and Ms. Xavier so swore. The Chairman asked if anyone would like to speak, either for or against, the dogs. Mr. Burgess apologized to everyone. He said that the contractor had let the dogs out of the house while the dog sitter that he had hired was on his way to the airport to pick up Mr. Burgess. He stated that he has never had a problem with the dogs before and the dogs are about 5 ½ years old now. He said that the dogs are a mixed terrier breed, not pit bulls. Ms. Xavier described the incident and said that her dog is recovering. One of the workmen had helped to get the dogs away from Ms. Xavier's dog and back inside Mr. Burgess's house. Mr. Burgess said that he has always kept his dogs on a chain or a lead when they are outside. A motion was made, seconded, and unanimously Voted to close the Public Hearing. The Board agreed that the Burgess dogs constitute a nuisance because they have a vicious disposition. A motion was made, seconded, and unanimously Voted to order both Burgess dogs to be physically restrained by chains, tethers, or leads whenever the dogs are outside of the house. The Selectmen asked Mr. Zubricki to send a letter to Mr. Burgess formally notifying him of their decision.

Andrew St. John of Forest Avenue appeared before the Board to request that they waive the deadline for filing a letter of interest regarding the soon-to-be-formed Long-Term Planning Committee. The Selectmen decided to reopen the solicitation period for one week and accepted Mr. St. John's letter for consideration. It was agreed that the period would end on Thursday, April 5th. The projected order of events is: first, the charge for the committee will be formulated and agreed upon; next, the members will be chosen; and finally, the committee will meet to conduct its affairs.

The Selectmen decided to discuss Articles 13 and 14 on the Annual Town Meeting Warrant. Judd Pratt, a Conomo Point resident, and Susan Coviello, a Conomo Point Planning Committee member, were present for the discussion. The Selectmen reviewed the content and order of both articles. Mr. Zubricki reported that both he and Town Counsel had worked on Article 13 to incorporate the changes that the Selectmen had requested at their last meeting. All the lots mentioned in Article 13 are tied to the lots on file in the Assessor's office and the lots on the leases.

The School Committee is meeting tomorrow in Manchester. However, no one notified either the Board of Selectmen or the Finance Committee that it was to be a joint meeting, and as a result, neither the Selectmen nor the FinCom have posted for the meeting. It was agreed that Selectman Lynch would attend.

A motion was made, seconded, and unanimously Voted to approve the following applications for commercial clamming permits: Ronald A. Hemeon, Edward Mulry, Peter Wilson, and Kyle Woodman.

A motion was made, seconded, and unanimously Voted to approve and sign a Fuel and Gas Storage Permit for Edwin C. Perkins, d/b/a Perkins Marine, Inc., for the Above-Ground Storage of 7,500 gallons gasoline and 2,500 gallons diesel at 82 Main Street.

Members of the Finance Committee (Gordon Martin, Ed Lafferty, Jeff Soulard, and Andrew Briggs), the Town Accountant Roxanne Tieri, and the Town Treasurer/Collector Virginia Boutchie appeared before the Board to discuss their progress on the Town's budget. Various ways to avoid an override were discussed. It was decided that Mr. Zubricki would ask Police Chief Silva to try to reduce the Police budget and the ECO budget by \$25,000. Additional solutions may include a rebate from the regional school district, a reduction in the budget for general legal, waste water legal, and the reserve fund, an increase in the new growth number, and delay of the purchase of a Fire Department pumper truck. It was decided that the budget needed to be finalized by April 9th in order to meet printing and Town Meeting deadlines. Ed Lafferty distributed a five-year projection of anticipated capital projects.

Mr. Zubricki presented his Town Administrator's Report for the period covering March 10th through March 23rd regarding the following items:

Local Access Corporation Board Appointment: Mr. Zubricki reported that there had been no interest in the appointment and asked if the Selectmen knew of anyone that would be interested in serving. Everyone agreed to think about a candidate.

Mr. Zubricki presented a letter from the neighbors of the old Mugford property expressing dissatisfaction with the Planning Board. The Planning Board had ruled that Skip Crocker did not have to go through a site-plan review for the Mugford property that he is purchasing for use as a boat storage facility on John Wise Avenue. The Planning Board believes that Mr. Crocker's situation is identical to that of Mark Gallagher on Eastern Avenue and the Zoning Board of Appeals has recently ruled that Mr. Gallagher did not have to undergo a site-plan review. The neighbors felt that the Planning Board and the Zoning Board had acted in error and have also engaged the law firm of Glovsky and Glovsky to represent them. The Selectmen asked Mr. Zubricki to review the situation with Town Counsel to verify that both boards had acted correctly.

After review, a motion was made, seconded, and unanimously Voted to sign the Training Grant Contract from the Commonwealth of Massachusetts Statewide Telecommunications Board which will provide assisted funding for additional training of our 911 dispatchers.

A motion was made, seconded, and unanimously Voted to approve the applications of Daniel Bruce, Dexter A. Doane, and Keith Muise for appointment as members to the Auxiliary Fire Department and the appointment cards were signed by the Selectmen.

Mr. Zubricki said that the Town Clerk had requested guidance in evaluating the documents required to prove residency for voter registration. Town Clerk Sally Soucy was present and said that she cannot stop people from registering, but that they can be challenged. In the past, they had had hearings and Town Counsel had been present to help the Board of Registrars with the examination process. Examination of the new applicants had been scheduled for a specific date at four minute intervals. The Selectmen agreed that utilizing Town Counsel for this purpose was a good idea. A motion was made, seconded, and unanimously Voted to authorize the Town Clerk to use Town Counsel to assist in the examination process for the coming election this May. The Town Clerk felt that it would only be necessary to use counsel if there are a large number of new registrants.

Long-Term Planning Committee Charge and Membership (LTPC): Selectman Randall presented a draft of the charge that he has been working on for the Committee. The only item that he had not addressed was the length of the term of membership. The Selectmen agreed on a three-year term and decided to wait until their next meeting to vote to accept the charge. In the meantime, Selectman Randall would ask Economist David Osborne for his comments. Mr. Zubricki agreed to put together packages of all the letters of interest received for the Selectmen's review prior to the next meeting. Selectman Randall suggested that the community survey project could be included in the LTPC's charge.

Reminder Relative to the Use of Electronic Mail: Mr. Zubricki distributed a final draft of the email memo clarifying the restrictions that the open meeting law has on the use of email by Town board and committee members. The Selectmen approved the memo for distribution to Town employees.

Cost of Living Increase for Town Employees: A motion was made, seconded, and unanimously Voted to grant a 3% cost of living increase to all non-union, non-contract Town employees.

Quarterly Report: A motion was made, seconded, and unanimously Voted to approve and to authorize the distribution of the Quarterly Report to the Department of Environmental Protection.

Underground Storage Tank Removal Grant: Mr. Zubricki presented an application for a grant that would help to pay for some of the cost involved in the removal of the tank at the Centennial Grove Cottage. A motion was made, seconded, and unanimously Voted to authorize Chairman Jones to sign the grant application.

Annual Town Meeting Warrant: Mr. Zubricki handed out the final drafts of the Annual Town Meeting Warrant for the Selectmen's review and discussion. He recommended that the Selectmen approve the following sole ballot question and articles:

2007

Commonwealth of Massachusetts
Town of Essex

Warrant for Annual Town Meeting and Election

Essex, ss:

To either of the Constables of the Town of Essex;

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, of the Annual Town Election to bring to ballot for the following officers:

Moderator for one year
Selectman for three years
Assessor for three years
Assessor for one year
Town Clerk for three years
Board of Health Member for two years
Board of Health Member for three years
Two Constables for one year
Regional School Committee Member for three years
Trustee of Library Funds for three years
Planning Board Member for five years
Planning Board Member for two years
Housing Authority Member for five years
Housing Authority Member for two years

And to bring to ballot the following question:

Shall the Town of Essex accept sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?

Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act ("Act"), establishes a dedicated funding source to acquire, create and preserve open space and land for recreational use; acquire, preserve, rehabilitate and restore historic resources; create, preserve and support community housing; and to rehabilitate and restore open space, land for recreational use and community housing that is acquired or created in accordance

with the Act. In Essex, the Act will be funded, beginning in Fiscal Year 2008, by an additional surcharge of 0.5% on the annual tax levy on real property and by matching funds provided by the state. The following exemptions from such surcharge, permitted under Section 3(e) of said Act will apply: for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the Town; and for \$100,000 of the value of each taxable parcel of residential real property. The surcharge to be paid by a taxpayer receiving an abatement of real property authorized by chapter 59 or any other law will be reduced in proportion to such abatement. A Community Preservation Committee must be created pursuant to by-law and will make recommendations on the use of the funds. Town Meeting must approve any such recommendation before funds can be expended to acquire any particular parcel of land. All expenditures pursuant to the Act will be subject to an annual audit.

Yes _____ No _____

AND, to do this by vote on one ballot. The polls will be open on May 14, 2007 at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M. at the Essex Fire and Police Headquarters.

AND, you are hereby directed to notify and warn the inhabitants of the Town of Essex, qualified to vote as the laws direct, to meet in said Essex at the Essex Elementary School on Monday, May 7, 2007 at 7:30 p.m. and there and then to act on the following Articles, viz:

ARTICLE 1

To see if the Town will vote to determine the manner of electing or choosing all other Town Officers usually elected or chosen at the Annual Town Meeting and take any appropriate action to elect such officers.

ARTICLE 2

To hear and receive the Reports of the Town Officials and Committees, and also to consider and receive any Reports contained in the Annual Town Report; or take any other action relating thereto.

ARTICLE 3

To see if the Town will amend or revise the Wage and Salary scale in accordance with the recommendations of the Personnel Board Report, a copy of which is on file in the Town Clerk's office and is incorporated herein by reference; or take any other action relating thereto.

ARTICLE 4

To see if the Town will vote to fix the salary and compensation of each of the elected officers of the Town as required by Massachusetts General Law Chapter 41, Section 108, as amended, for fiscal year 2008 in accordance with the recommendations of the Personnel Board Report, a copy of which is on file in the Town Clerk's office and is incorporated herein by reference; or take any other action relating thereto.

ARTICLE 5

To hear and act upon the Report of the Finance Committee and to vote to raise and appropriate or transfer from available funds a sum of money for the Town charges and expenditures for the ensuing year; or take any other action relating thereto.

ARTICLE 6

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sufficient sum of money to fund and implement a collective bargaining agreement between the Town and the American Federation of State, County, and Municipal Employees, Local 2905, AFL-CIO; or take any other action relating thereto.

ARTICLE 7

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sufficient sum of money to fund and implement a collective bargaining agreement between the Town and the Police Benevolent Association of Essex, Massachusetts Coalition of Police, I.U.P.A., AFL-CIO; or take any other action relating thereto.

ARTICLE 8

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Sewer Enterprise Fund; or take any other action relating thereto.

ARTICLE 9

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Water Enterprise Fund; or take any other action relating thereto.

ARTICLE 10

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Youth Enterprise Fund; or take any other action relating thereto.

ARTICLE 11

To see if the Town will approve the Gross Operating and Maintenance Budget of the Manchester-Essex Regional School District, and raise and appropriate or transfer from available funds a sum of money for the Town's assessment from the District - said sum to be calculated solely in accordance with the "Agreement Between the Towns of Essex and Manchester-by-the-Sea, Massachusetts with Respect to the Formation of a Regional School District", as most recently amended, by invoking and approving the provision found in paragraph four of G.L. c. 71, § 16B allowing District members "to reallocate the sum of their required local contributions to the district in accordance with the regional agreement", for the fiscal year beginning July first, two thousand seven; or take any other action relating thereto.

ARTICLE 12

To see if the Town will approve the Gross Operating and Maintenance Budget of the North Shore Regional Vocational School District, and raise and appropriate or transfer from available funds a sum of money for the Town's assessment from the District; or take any other action relating thereto.

ARTICLE 13

To see if the Town will vote to authorize the Board of Selectmen to notify the Massachusetts Department of Environmental Protection of the Town's intention to sell the leased Conomo Point lots south of Clammers' Beach, plus all leased, Town-owned lots on Robbins Island, upon the expiration or earlier termination of the lease to which each such lot is subject, which lots are identified below by reference to the Town of Essex Assessors' maps, upon such terms and conditions as are deemed appropriate, including but not limited to: (1) a restriction that the use of said properties be limited to seasonal use only, provided however that those tenants who presently occupy a dwelling on any such lot on a year-round basis as their primary residence shall be granted an exemption for year-round occupancy until grandfathered occupants no longer occupy said property, through rental, sale, death or other circumstance, and provided further that such tenants shall be identified as year-round occupants by the Board of Assessors based upon data currently held by that board; (2) that the total wastewater design flow of Conomo Point properties not sold by the Town be limited to less than 10,000 gallons per day; and (3) that the proceeds from the sale of said properties be deposited into an interest-bearing trust fund, with any interest earned on said proceeds to first be added to the principal to maintain present value of the proceeds and any interest beyond present value to be spent for only the following purposes: education, senior citizen issues, and recreation;

and further to authorize the Selectmen to petition the Massachusetts General Court to authorize the conveyance of such lots subject to particular conditions notwithstanding the provisions any applicable general or special law, including but not limited to section 16 of chapter thirty B of the General Laws, and/or section 63 of chapter forty-four of the General Laws, provided that the General Court may make clerical or editorial changes of

form only to the bill submitted by the Selectmen, unless the Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto:

Map	Lot	Map	Lot	Map	Lot	Map	Lot
19	11	19	12	19	13	19	14
19	15	19	16	19	17	19	20
19	26	19	27	19	28	19	33
19	34	19	35	19	36	19	37
19	38	19	40	19	41	19	44
19	45	19	46	19	47	19	48
19	49	19	50	19	51	19	52
19	53	19	54	19	56	19	57
19	58	19	59	19	60	19	61
19	62	19	63	19	65	19	66
19	67	19	68	19	69	19	70
19	71	19	72	19	73	19	75
19	76	19	77	19	78	19	79
19	95	19	96	19	97	19	98
19	99	19	100	19	101	19	102
19	116	19	117	19	118		

ARTICLE 14

To see if the Town will vote to direct the Selectmen to inform the Department of Environmental Protection of the following:

1. Upon expiration of the Conomo Point leases in 2011, the Town-owned land north of Robbins Island Road will be retained for public use in accordance with the Town Meeting vote of 1999 and the Conomo Point Plan.
2. The lots currently leased south of Robbins Island Road will be resurveyed and reconfigured to equitably maximize the lot size of each lot. This will be accomplished by combining lots with contiguous unleased Town land.
3. Upon expiration of the leases in 2011, the reconfigured lots will be offered for sale through an as yet undetermined legal process that will maximize the sale revenue to the Town while offering first-refusal to the current tenants in accordance with the current leases.
4. The Town will not sell a number of lots that in aggregate exceed 10,000 gallons per day of technical design flow according to Title 5. If it is determined that existing lots exceed 10,000 GPD of flow, lots determined to be the smallest or least valuable will be retained by the Town and used to maximize the size of other contiguous lots.

5. Upon entering purchase and sale agreements for the lots to be sold, the Essex Board of Health will issue orders to the new owners requiring inspection of existing septic systems and upgrades if required, in accordance with Title 5. Or take any other action relating thereto.

ARTICLE 15

To see if the Town will vote to amend the Manchester-Essex Regional School District Agreement by:

- making clarifying and other non-substantive changes to the Agreement;
- changing the timing of the presentation of budgets;
- requiring an annual report from the School Committee to the Boards of Selectmen and Finance Committees;
- changing the timing and method of filling vacancies;
- including a method of resolving disputes between the Towns over the Agreement;
- and
- adopting amended and restated subsections 4 (b), 4(c), and 4(d) of the agreement with changes shown in the following blackline document.

SECTION 4. APPORTIONMENT AND PAYMENT OF COSTS

(b) Apportionment of Capital Costs

Capital costs shall be apportioned as follows:

(1) Fifty percent (50%) on the basis of ~~that the~~ equalized valuation of ~~the~~ each member towns pursuant to the latest equalized valuation of such town, as set forth in Chapter 559 of the Acts of 1945 entitled "An Act Establishing the Basis of Apportionment of State and County Taxes" ("**Chapter 559**"), or any later equalized valuations as may be enacted by the Commonwealth next preceding each bond issue, bears to the sum of all such equalized valuations of all member towns; and

(2) Fifty percent (50%) on the basis of ~~that the~~ respective populations of each member town ~~on October 1 of the year in which the apportionment is determined~~ based on the most recent decennial U.S. Census (or any official census prepared by the U.S. Census bureau that calculates the populations of each member town, such census being referred to herein as the "Federal Census") bears to the total combined populations of all member towns ~~on the same date~~ in that same Federal Census.

(c) **Apportionment of Special Operating Costs**

Special operating costs shall be apportioned to the member towns on the basis of ~~of~~ that the enrollment of pupil hours of residents of each member town in courses described in paragraph 2 of ~~S~~subsection 4 (a) above for the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total enrollment of pupil hours in such courses from residents of both member towns on such date. Enrollment in such courses shall be determined on the basis of those pupils enrolled in each of said courses as of the first Tuesday after the first Monday of the week that said courses commence.

(d) **Apportionment of Operating Costs**

Operating costs shall be expressed as "instructional costs" and "non-instructional costs", and the categorization of costs into either of these sub-categories are to be determined by the Regional District School Committee, in accordance with any definitions that may be promulgated from time to time by the Massachusetts Department of Education.

A. Non-instructional operating costs shall be apportioned to the member towns as follows:

(i) Twenty-five percent (25%) on the basis of ~~of equalized valuation of the member towns pursuant to the latest equalized valuation of such town, as set forth in Chapter 559 of the Acts of 1945 entitled "An Act Establishing the Basis of Apportionment of State and County Taxes," or any later equalized valuations as may be enacted by the Commonwealth next preceding each bond issue~~ that the "Average Equalized Valuation" (as defined below) of each member town bears to the "Total Equalized Valuation" (as defined below) of all member towns; and

(ii) Seventy-five percent (75%) on the basis of ~~their respective populations~~ that the population of each member town according to the most recent Federal Census on October 1 of the year in which the apportionment is

determined bears to the combined populations of all member town on the same date member towns according to the same Federal Census.

(B) Instructional operating costs shall be apportioned to the member towns as follows:

(i) Twenty-five percent (25%) on the basis of ~~equalized valuation of the member towns pursuant to the latest equalized valuation of such town, as set forth in Chapter 559 of the Acts of 1945 entitled "An Act Establishing the Basis of Apportionment of State and County Taxes", or any later equalized valuations as may be enacted by the Commonwealth next preceding each bond issue~~ that the Average Equalized Valuation of each member town bears to the Total Equalized Valuation of all member towns; and

(ii) Seventy-five percent (75%) on the basis of ~~the respective pupil enrollments~~ that the "Average Respective Pupil Enrollments" (as defined below) of each member town in all Regional School District schools bears to the "Total Pupil Enrollment" (as defined below). The share of each member town for each fiscal year shall be determined by computing the ratio of each town's pupil enrollment in the Regional School District on October 1 of the year in which the apportionment is determined bears to the total pupil enrollment from all member towns in the Regional School District on the same date.

C. For purposes of this Agreement:

(i) the Average Equalized Valuation of each member town for fiscal year 2008 shall mean the "Latest Equalized Valuation of such Member Town" (as defined below);

(ii) the Average Equalized Valuation of each member town for fiscal year 2009 shall mean the arithmetic average of the Latest Equalized Valuation of such Member Town for fiscal year 2008 and fiscal year 2009;

(iii) the Average Equalized Valuation of each member town for fiscal year 2010 and each fiscal year thereafter shall mean the arithmetic

average of the Latest Equalized Valuation of such Member Town for such fiscal year and the two immediately preceding fiscal years;

(iv) the Latest Equalized Valuation of such Member Town shall mean, with respect to any fiscal year, the equalized valuation of such member town as set forth in Chapter 559 most recently made publicly available prior to the beginning of such fiscal year;

(v) the Total Equalized Valuation of the member towns for any fiscal year shall mean the sum of the Latest Equalized Valuations of all member towns used in computing the Average Equalized Valuation for any member town for such fiscal year;

(vi) the Average Respective Pupil Enrollment of each member town for fiscal year 2008 shall mean such member town's pupil enrollment in the Regional School District on October 1, 2006;

(vii) the Average Respective Pupil Enrollment of each member town for fiscal year 2009 shall mean the arithmetic average of such member town's pupil enrollment in the Regional School District on October 1, 2007 and October 1, 2006;

(viii) the Average Respective Pupil Enrollment of each member town for fiscal year 2010 and each fiscal year thereafter shall mean the arithmetic average of such member town's pupil enrollment in the Regional School District on October 1 within each of the three (3) most recently ended fiscal years immediately prior to the fiscal year for which the determination is to be made; and

(ix) the Total Pupil Enrollment for any fiscal year shall mean the sum of the total pupil enrollments in the Regional School District on each October 1 used in computing the Average Respective Pupil Enrollment for any member town for such fiscal year.;

or take any other action relating thereto.

To see if the Town will vote to amend Section 6-3 DEFINITIONS of the Zoning Bylaw by adding a new Section 6.3.46 to read:

WIND TURBINE. A mechanical or electromechanical wind energy converting system (WECS) including the supporting structure and any energy transmitting conduit or shaft; includes both horizontal and vertical axis systems.;

to amend Section 6-5.3 SUPPLEMENTARY HEIGHT PROVISIONS of the Zoning Bylaw that currently reads:

The provisions of this chapter governing the height of buildings shall not apply to chimneys, cooling towers, elevator bulkheads, skylights, ventilators, and other necessary appurtenances carried above the roofs, nor stacks or spires if not used for human occupancy and not more than 25 percent of the ground floor area of the building, nor to observation towers, television and radio towers and antennae, nor to churches or public or institutional buildings.

by inserting the term "wind turbines" between the words "observation towers," and "television";

to amend Section 6-6.9.e SPECIAL PERMITS of the Zoning Bylaw that currently reads:

Radio, Telecommunications, Cellular and Television Facilities, Including Free Standing Tower Type Structures

by inserting the term "Wind Turbines," after the words "Television Facilities";

to amend Section 6-6.9.e SPECIAL PERMITS of the Zoning Bylaw that currently reads:

Installations of radio, telecommunications, cellular and television facilities, including free standing tower type structures, shall be permitted subject to the following requirements, and such other conditions as the special permit granting authority may impose under G.L.c.40A and this By-Law.

by inserting the term "Wind Turbines," after the words "television facilities";

and, to amend Section 6-6.9.e SPECIAL PERMITS by striking subsections 2 and 3 and to re-number the ensuing subsections of 6-6.9.e accordingly;

or take any other action relating thereto.

ARTICLE 17

To see if the town will vote to amend section 6-3.17 Definition of Home Occupation, which currently reads:

6-3.17 HOME OCCUPATION. Any commercial activity which is conducted as an accessory use with in the confines of Section 6-6.2 or 6-6.3.

by deleting it in its entirety and inserting instead:

6-3.17 HOME OCCUPATION. Any commercial activity conducted as an accessory use, in any dwelling unit which is the residence of the practitioner of the commercial activity, or in any accessory building to that residence, regulated under sections 6-6.2, single-family or 6-6.3, two-family residential land use bylaws.;

to amend section 6-6.2 RESIDENTIAL LAND USES, SINGLE FAMILY, subsection d, which currently reads:

6-6.2 RESIDENTIAL LAND USES, SINGLE FAMILY.

d: HOME OCCUPATIONS. Home occupations shall be allowed only if meeting all of the following:

1. Not more than two persons who do not reside in the dwelling unit shall be engaged in such occupation.
2. There shall be no change in the outside appearance of the building or premises, except as provided by paragraph 3 below, or other visible conduct of such home occupation other than one sign as permitted accessory use.
3. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in the immediate neighborhood. The determination of such a situation shall be decided by the enforcement officer, and any need for parking generated by conduct of such operation shall be met off the street and other than in a front yard.
4. All home businesses and occupations conducted on residential property including storage and display shall be conducted in an enclosed building, except for the display and sale of shellfish, garden or poultry produce, or small homemade handcrafted items.
5. Not more than two (2) vehicles requiring registration as taxis, buses, or commercial vehicles shall be regularly parked outdoors on the premises.
6. No commercial vehicle with registered gross weights in excess of 17,000 lbs. shall be regularly parked outdoors on the premises.
7. No more than three parking spaces, in addition to those required for residential use are allowed for the home occupation.;

by adding:

8. No equipment or process shall be used which creates offensive light, noise, vibration, smoke, dust, odors, fumes, heat or glare detectable to the normal senses off the premises.
9. No equipment or process shall be used which creates electrical interference in household devices off the premises.;

to amend section 6-6.3 RESIDENTIAL LAND USE, TWO FAMILY, subsection d,

which currently reads:

6-6.3 RESIDENTIAL LAND USE, TWO FAMILY.

d: HOME OCCUPATIONS. Home occupations shall be allowed only if meeting all of the following:

1. Not more than two persons who do not reside in the dwelling unit shall be engaged in such occupation.
2. There shall be no change in the outside appearance of the building or premises, except as provided by paragraph 3 below, or other visible conduct of such home occupation other than one sign as permitted accessory use.
3. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in the immediate neighborhood. The determination of such a situation shall be decided by the enforcement officer, and any need for parking generated by conduct of such operation shall be met off the street and other than in a front yard.
4. All home businesses and occupations conducted on residential property including storage and display shall be conducted in an enclosed building, except for the display and sale of shellfish, garden or poultry produce, or small homemade handcrafted items.
5. Not more than two (2) vehicles requiring registration as taxis, buses, or commercial vehicles shall be regularly parked outdoors on the premises.
6. No commercial vehicle with registered gross weights in excess of 17,000 lbs. shall be regularly parked outdoors on the premises.
7. No more than three parking spaces, in addition to those required for residential use are allowed for the home occupation.;

by adding:

8. No equipment or process shall be used which creates offensive light, noise, vibration, smoke, dust, odors, fumes, heat or glare detectable to the normal senses off the premises.
9. No equipment or process shall be used which creates electrical interference in household devices off the premises.;

or take any other action relating thereto.

ARTICLE 18

To see if the Town will vote to amend Section 6-6.12.2 "PROJECTS REQUIRING SITE PLAN REVIEW" of the Zoning Bylaw that currently reads:

No permit for the new construction, reconstruction, or relocation of any building with a ground floor footprint of greater than 2,500 square feet, or any change of use for any building, shall be given except in conformity with a site plan approval by the Planning Board. Required approval includes proposals for commercial, industrial,

office, multifamily dwelling, residential development, municipal, utility, and recreational purposes.

by inserting the phrase "or site," between the words "building" and "shall be given" so as to read:

No permit for the new construction, reconstruction, or relocation of any building with a ground floor footprint of greater than 2,500 square feet, or any change of use for any building or site, shall be given except in conformity with a site plan approval by the Planning Board. Required approval includes proposals for commercial, industrial, office, multifamily dwelling, residential development, municipal, utility, and recreational purposes.;

or take any other action relating thereto.

ARTICLE 19

To see if will vote to amend the Animal Control Bylaw by inserting a new section, Section 9, entitled "Licensing and Regulation of Vicious Dogs" to read as follows:

SECTION 9. LICENSING AND REGULATION OF VICIOUS DOGS

a. DEFINITIONS

Vicious Dog is defined as any dog that attacks, bites or injures any human or domesticated animal without provocation or which; because of temperament, conditioning or training has a propensity to attack, bite or injure humans or domesticated animals.

b. CONTROL OF VICIOUS DOGS

1. The Dog Control Officer shall notify the Town Clerk of all vicious dogs as defined in this bylaw.
2. The Owner or keeper of any dog(s) determined to be vicious in accordance with Section 9(c) of this By-law, which has not been ordered euthanized or permanently removed from Town, shall relicense said dog(s) as "vicious" within thirty days of such determination. A unique licensing number shall be assigned to a vicious dog by the Town Clerk. That number shall be noted on the town licensing files. The owner or keeper of such vicious dog shall pay a relicense fee in accordance with Section 8 of this By-law.
3. No vicious dog shall be licensed by the Town of Essex for any licensing period commencing after June 2007 unless the owner or keeper of such vicious dog meets the following requirements:

i. The owner or keeper shall display a sign not to exceed one square foot on his or her premises warning that there is a vicious dog on the premises. The sign shall be visible and capable of being read from the public highway or roadway.

ii. The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have a fenced enclosure, approved in writing by the Dog Control Officer, for the vicious dog on the property where the vicious dog will be kept or maintained when outside.

4. All vicious dogs shall be confined in an enclosure approved in writing by the Dog Control Officer. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure or for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or outside of the enclosure, unless it is necessary for the owner or keeper to obtain veterinary care for the vicious dog, or to sell or give away the vicious dog or to comply with the commands or directions of the Dog Control Officer with respect to the vicious dog, or to comply with the provisions of this bylaw. In such event, the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog. No vicious dog shall be walked or permitted to run loose on any public or private way or any area within the Town of Essex that is open to the general public, including but not limited-to parks and beaches.

5. The owner or keeper of a vicious dog shall notify within 12 hours the Dog Control Officer if said dog is unconfined, has attacked, another dog or has attacked a human, or has died or has been sold or given away; the owner or keeper shall also provide the Dog Control Officer with the name, address and telephone number of the new owner of the vicious dog.

c. **DETERMINATION OF VICIOUSNESS**

1. The Dog Control Officer shall investigate all complaints made to the Dog Control Officer, the Town of Essex Police Department, the Board of Selectmen, or the Town Administrator, that any dog owned or kept within the Town of Essex has attacked, bitten or injured any person or domesticated animal, or which by temperament, conditioning or training has a propensity to attack, bite or injure persons or domesticated animals.

2. The Dog Control Officer is hereby empowered to make whatever inquiry is deemed necessary to determine the accuracy of said complaint and may make such orders as he or she deems necessary to ensure compliance with the provisions of this By-law and the protection of public safety.

3. Upon a determination by the Dog Control Officer that a dog is vicious because it has attacked, bitten or injured any person or domesticated animal, or which by temperament, conditioning or training has a propensity to attack, bite or injure persons or domesticated animals, the Dog Control Officer shall issue an order to the Owner or Keeper of said dog(s) concerning the restraint or disposal of such dog(s) as her or she may deem necessary. At a minimum, said order shall require the owner or keeper of such dog(s) to comply with the requirements of Section 2 of this By-law.

4. Without limiting the generality of the foregoing, the Dog Control Officer may order that said dog(s) be permanently removed from the Town of Essex, that said dog be humanely euthanized in accordance with the provisions of G.L. c. 140, §151A, or that said dogs be confined in accordance with such limitations as the Dog Control Officer Deems appropriate. If the Dog Control Officer determines that the dog(s) is to be permanently removed, the owner or keeper shall provide the Dog Control Officer with the name, address and telephone number of the new owner of the vicious dog.

5. The owner or keeper any dog(s) determined to be vicious by the Dog Control Officer may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within two (2) business days of the owner or keeper's receipt of the Dog Control Officer's order. A copy of the hearing request shall also be delivered to the Dog Control Officer. The hearing request shall include an explanation of the measures that the owner or keeper intends to take to protect public safety pending disposition of the matter by the Board of Selectmen. If the Dog Control Officer determines that the measures described are inadequate, he or she may order that said dog(s) be impounded, at the owner or keeper's expense, until such time as the Board of Selectmen rules otherwise.

6. After hearing, the Board of Selectmen may affirm the Dog Control Officer's order, reverse and nullify the Dog Control Officer's order, or issue any such order as it deems necessary to ensure compliance with the provisions of this By-law and the protection of public safety. The determination of the Board of Selectmen after a hearing shall be final.

7. Nothing in this By-law is intended to limit or restrict the authority of the Board of Selectmen to act in accordance with G.L. c. 140, §157.

d. ENFORCEMENT AND PENALTIES

1. License Revocation

If the Dog Control Officer determines that a vicious dog is being kept in the Town in violation of this Bylaw or any order issued by the Dog Control Officer, the Board of Selectmen or the Court, the Dog Control Officer shall so notify the Selectmen. After giving notice to the owner of the hearing, the Selectmen shall hold a public hearing on

whether to revoke the license of said dog or to take further action including banning the dog from the Town or to be euthanized. If the Selectmen revoke the license of said dog and do not order its to be euthanized, they shall notify the owner or keeper of the dog and the Town Clerk within ten (10) days that said dog will be impounded and destroyed if it is found within the Town after the succeeding seven days.

If the Selectmen revoke the license of a vicious dog, once a ten (10) day period after the notification of revocation has occurred, unless the owner or keeper has filed an appeal in accordance with G.L. c. 140, §157, the Dog Control Officer or other authorized agent shall impound and destroy such dog as unlicensed if found within the Town.

The Dog Control Officer or any Town of Essex police officer shall seize and impound any vicious dog found outside of its enclosure in violation of this Bylaw or any order issued by the Dog Control Officer, the Board of Selectmen or the Court.

2. Non-Criminal Disposition

This regulation may be enforced by the Dog Control Officer or any Town of Essex police officer. Whoever violates any provision of this regulation may be penalized by a non criminal disposition process as provided in G.L. c.40, §21D and the Town's non-criminal disposition by-law. If non criminal disposition is elected, then any person who violates any provision of this regulation shall be subject to a penalty in the amount of fifty dollars (\$50.00) per day for each day of violation. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

3. Other

Whoever violates any provision of this by-law or order of the Dog Control Officer may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law and as the district court may see fit to impose, the maximum penalty for each violation or offense shall be fifty dollars (\$50.00), assessed in accordance with the provisions of G.L. c. 140, §§173-174. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense.

Any person who fails to comply with any order of the selectmen may be punished by a fine of not more than twenty-five dollars for the first offense and not more than one hundred dollars for a second or subsequent offense, or by imprisonment for not more than thirty days, for the first offense and not more than sixty days for a second or subsequent offense, or both.

The Essex Board of Selectmen may enforce these Regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Selectmen shall not preclude enforcement through any other lawful means.

e. **EFFECTIVE DATE**

This by-law shall take effect upon approval by the Attorney General or July 1, 2007, whichever is later;

or take any other action relating thereto.

ARTICLE 20

To see if the Town will vote to adopt a resolution supporting the exploration of the concept of establishing a regional operations center (ROC) for Essex County; and further to authorize the Board of Selectmen to appoint an individual to serve as the town's representative to a committee of similar representatives from other municipalities in Essex County that adopt a similar resolution; and to raise and appropriate, transfer from available funds, or borrow a sum of money for such purposes; or take any action relating thereto.

ARTICLE 21

To see if the Town will vote to accept the provisions of G.L.c. 83, §§ 16A-16F, inclusive, relative to the collection of sewer rates and charges and the establishment of liens for delinquent charges, and to direct the Town Clerk to file a certificate of such acceptance in the Essex South District Registry of Deeds; or take any other action relative thereto.

ARTICLE 22

To see if the Town will vote to delete Section 2-4.5 of the Town By-laws which presently reads:

2-4.5 FINANCIAL REPORTS TO COMMITTEES. The various town boards, officers, and committees charged with the expenditure of town money shall, not later than November 15 of each year, prepare detailed estimates of the amounts deemed by them necessary for the administration of their departments or boards, together with explanatory statements and reasons for any changes from the amounts appropriated for the same purpose in the preceding year.

They shall also prepare estimates of all probable items of income which may be received by them during the ensuing year in connection with the administration of their departments or offices, and a statement of the amount of appropriation requested by them for the ensuing year fiscal year.

They shall also submit on or before January 10 in each year a breakdown of all expenses of their office or department for the preceding year. Such estimates and statements shall be filled with the town accountant, who shall at once transmit these reports to the finance committee.

in its entirety, and replace it with the following:

2-4.5 *FINANCIAL REPORTS TO COMMITTEES*. All Town boards, officers, and committees authorized to expend Town money shall annually submit estimates of income and expenses for the ensuing fiscal year in connection with the operation, maintenance, and administration of their respective departments or offices. They shall also annually submit all income and expenses of their respective offices or departments for the preceding fiscal year and detailed estimates of amounts projected for the current fiscal year. The reports shall be supplemented by explanatory statements and reasons for any changes from amounts appropriated for the same purposes in the preceding fiscal year. Such reports shall be filed with the Town Accountant by January 10th, who shall at once transmit these reports to the Finance Committee.

ARTICLE 23

To see if the Town will vote to transfer from the Treasurer for purposes of sale at auction to the Conservation Commission for conservation purposes, including to designate as conservation land, for the purposes of protecting public water supplies, fresh and coastal water quality, and open space, the following parcels acquired by the Town by tax possession; such parcels to be placed under the management and care of the Conservation Commission, and further to authorize the Conservation Commission to make agreements with local land trusts as necessary to provide for the management and upkeep of said parcels; or take any other action relating thereto.

Deed Acreage	Common Name	Location	Former Owner	Initial Tax Taking-Book: Page (date)	Affidavit of Low Value-Book: Page (date)	Tax Deed to Town-Book: Page (date)
1 acre, 12 rods	Cedar Swamp Woods	Cedar Swamp	Horace Standley	3925:450 (1952)	4160:38 (1955)	4187:139 (1955)
1.25 acres	Chandler Woods	Maple Swamp	Stanley Annable	3499:331 (1952)	4187:141 (1955)	4187:141 (1955)
1.5 acres	Horse Pasture Woods	Maple Swamp	Roger M. Andrews	3925:454 (1952)	4187:137 (1955)	4187:137 (1955)
0.5 acres	Horse Stable Woods	Maple Swamp	Otis Story	3433:339 (1945)	3679:346 (1949)	3679:346 (1949)
5 acres	Horse Stable Woods	Maple Swamp	Stanley Annable	3944:331 (1952)	4187:141 (1955)	4187:141 (1955)
0.25 acres	Horse Stable Woods	Maple Swamp	Nelson Andrews	3640:204 (1948)	3924:396 (1952)	3924:396 (1952)

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16 acres	Horse Stable Woods	Maple Swamp	William Simmonds	3289:33 (1942)	3341:468 (1944)	3341:468 (1944)
2.5 acres	Joshua's Woods	Maple Swamp	Albert S. Murray	4822:391 (1961)	6364:344 (1977)	6364:344 (1977)
1 acres	Maple Swamp lot/ Bishop Woods	Maple Swamp	Manassah Brown	3944:334 (1952)	4187:144 (1955)	4187:144 (1955)
2 acres	Maple Swamp Woods	Maple Swamp	Walter G. Brown	3925:453 (1952)	4187:138 (1955)	4187:138 (1955)
6 acres	Maple Swamp Woods	Maple Swamp	Charles W. Mears	3373:506 (1944)	3507:533 (1947)	3507:533 (1947)
3 acres	Rattlesnake Brook Woods	Maple Swamp	William Simmonds	3289:33 (1942)	3341:468 (1944)	3341:468 (1944)
3 acres	Rattlesnake Brook Woods	Maple Swamp	Grace A. Gauld	4160:38 (1955)	4187:150 (1955)	4187:150 (1955)
2 acres	Rocky Hill Wood	Near Apple Street	Zannie B. Story	3640:208 (1948)	3914:190 (1952)	3924:404 (1952)
5 acres	Spruce Swamp	Near Apple Street	Louis H. Bixby	3433:344 (1945)	3661:113 (1945)	3679:346 (1949)
4.5 acres	Spruce Swamp Wood	Near Apple Street	Louis H. Bixby	3433:334 (1945)	3661:113 (1945)	3679:346 (1949)
2 acres 10 rods	Bishop Wood #2	Near Bishop's Grave	William Simmonds	3289:33 (1942)	3363:548 (1944)	3341:468 (1944)
0.25 acres	Foster Lot, Bishop Wood	Near Bishop's Grave	J. Howard Burnham	3944:337 (1952)	4160:38 (1955)	4187:147 (1955)
1.75 acres 27 rods	Master David Lot, Bishop Wood	Near Bishop's Grave	William Simmonds	3289:33 (1942)	3363:548 (1944)	3341:468 (1944)
0.75 acres	Master David Wood	Near Bishop's Grave	David O. Reardon et al	3433:338 (1945)	3661:113 (1945)	3679:346 (1949)
1 acre	Chebacco Lake Wood	Near Chebacco	Essex Ice Corp.	3055:58 (1935)	3129:61 (1937)	3161:466 (1938)

		Lake				
2 acres	Grady Wood	Near Chebacco Lake	David O. Reardon et al	3433:338 (1945)	3661:113 (1945)	3679:346 (1949)
.5 acre	Pine Swamp Wood	Near Hobbs Pond	Walter G. Brown	3925:453 (1952)	4160:38 (1955)	4187:138 (1955)
6 acres	Cogswell Woodland	Near Manchester	William Simmonds	3289:33 (1942)	3363:548 (1944)	3341:468 (1944)
1.5 acres	Old Road Wood	Near Manchester	Roger M. Andrews	3925:454 (1952)	4160:38 (1955)	4187:137 (1955)
6 acres	Ramsdell Wood	Near Manchester	Walter G. Brown	3925:453 (1852)	4160:38 (1955)	4187:138 (1955)
6 acres	Rogers Lot	Near Manchester	William Simmonds	3289:33 (1942)	3363:548 (1944)	3341:468 (1944)
6 acres	Wells Lot, Russell Wood	Near Manchester	Walter G. Brown et al	3925:453 (1952)	4160:38 (1955)	4187:138 (1955)
0.6 acre	Rattlesnake Brook Lot	Near Maple Swamp	John O'Brien	3944:343 (1952)	4160:38 (1955)	4187:152 (1955)
1.5 acres	Perkins Wood	Near Pond Street	Roger M. Andrews	3925:454 (1952)	4160:38 (1955)	4187:137 (1955)
5 acres	Robbins Wood	Near Pond Street	Roger M. Andrews	3925:454 (1952)	4160:38 (1955)	4187:738 (1955)
1 acre, 80 poles	Ross Wood	Near Pond Street	Choate E. and Frank McKenzie	3925:450 (1952)	4160:38 (1955)	4187:140 (1955)
1/8 acre	Goodhue Pasture	Near Pond Street ext.	David O. Reardon et al	3433:338 (1945)	3661:113 (1945)	3679:346 (1949)
1.5 acre	Brown's Wood	Near Gloucester	Choate E. and Frank McKenzie	3925:450 (1952)	4160:38 (1955)	4187:140 (1955)
3/8 acre	Brown's Wood	Near Gloucester	Herbert Standley	3640:207 (1948)	3914:190 (1952)	3924:402 (1952)
1 acre	Brown's Wood	Near Gloucester	Ira Story	3775:507 (1950)	3914:190 (1952)	3924:403 (1952)
6 acres	Brown's Wood	Near Gloucester	Zannie B. Story	3640:208 (1948)	3914:190 (1952)	3924:404 (1952)

3.75 acres	Brown's Wood	Near Gloucester	Estelle B. Clapp	3944:338 (1952)	4160:38 (1955)	4187:148 (1955)
6 3/8 acres	Brown's Wood	Near Gloucester	Francis P. Ayres	7295:597 (1983)	8661:566 (1986)	9522:316 (1988)
3/4 acre, 10 rods	Brown's Wood	Near Gloucester	Zannie B. Story	3640:208 (1948)	3914:190 (1952)	3924:404 (1952)
?	Essex Woods	Near Gloucester	Adrian Brown	3944:333 (1952)	4160:38 (1955)	4187:143 (1955)
?	Gideon Burnham Wood	Near Gloucester	Zannie B. Story	3640:208 (1948)	3914:190 (1952)	3924:404 (1952)
1 acre	Gorton Wood	Near Gloucester	Elizabeth J. Webster	3775:507 (1950)	3914:190 (1952)	3924:405 (1952)
150 rods	Gorton Wood	Near Gloucester	Elizabeth J. Webster	3775:507 (1950)	3914:190 (1952)	3924:405 (1952)
70 rods	Gorton Wood	Near Gloucester	Elizabeth J. Webster	3775:507 (1950)	3914:190 (1952)	3924:405 (1952)
3 acres	Log Bridge Wood	Near Gloucester	Elizabeth Burnham	3640:206 (1948)	3914:190 (1952)	3924:398 (1952)
3 acres	Marshall Lot	Near Gloucester	Benjamin and Harriet Crombie	4406:306 (1957)	6099:94 and 6303:111 (1974)	6364:343 (1977)
0.25 acre	Story Wood	Near Gloucester	Choate E. and Frank McKenzie	3925:450 (1952)	4160:38 (1955)	4187:140 (1955)
2.5 acres	Wise Swamp Wood	Near Gloucester	Alzina A. Burnham	3944:333 (1952)	4160:38 (1955)	4187:146 (1955)

ARTICLE 24

To see if the Town will vote to amend the vote under Article 5 of the May 1, 2006 Annual Town Meeting approving the Water Enterprise Budget for Fiscal Year 2007, by increasing the amount appropriated for Water Enterprise Fund operating expenses, and in particular for salaries and expenses, and to see if the Town will vote to raise and appropriate, transfer from available funds, or borrow said sum of money for such purposes; or take any other action relating thereto.

ARTICLE 25

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, a sum of money to be used to purchase one new police cruiser or one new police sport utility vehicle and to authorize the Board of Selectmen to dispose of any police cruiser(s) replaced by the new vehicle by sale or trade and to take other action as necessary to effectuate the purposes of this vote; or take any other action relating thereto.

ARTICLE 26

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to lease with an option to purchase for a term of more than three years, a new fire pumper truck with all related equipment and to authorize the Board of Selectmen to enter into a purchase or lease/purchase agreement on such terms and conditions as the Board deems in the best interest of the Town; and further to authorize the Board of Selectmen to dispose of the old fire pumper truck replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Selectmen; or take any other action relating thereto.

ARTICLE 27

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of preserving the Town's historic records that are present in the Town Hall basement vault; or take any other action relating thereto.

ARTICLE 28

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the costs associated with conducting a community-wide needs survey; or take any other action relating thereto.

ARTICLE 29

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of funding the Town's portion of the cost to the Metropolitan Area Planning Council to develop a Natural Hazards Mitigation Plan; or to take any other action relating thereto.

ARTICLE 30

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the cost of services necessary to develop the Town's GASB-45 plan; or take any other action relative thereto.

ARTICLE 31

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purpose of purchasing a used pickup truck for use by the Shellfish Warden; or take any other action relating thereto.

ARTICLE 32

To see if the Town will vote to transfer from the Town Septic Betterment Fund a sum of money for the purpose of making necessary payments to the Massachusetts Water Pollution Abatement Trust in accordance with the terms of repayment for Community Septic Management Program loan funds; or take any other action relating thereto.

ARTICLE 33

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Town's Stabilization Fund; or take any other action relating thereto.

ARTICLE 34

To see if the Town will vote pursuant to G.L. c. 44, §53E ½ to re-authorize a revolving fund used by the Board of Selectmen for the purpose of receiving the so-called Excess Fee, to consist of 60% of each electric and plumbing permit issued by the Electrical Inspector, the Plumbing & Gas Inspector, and their respective assistants for certain work as described in further detail in Article 5 of the January 24, 2005, Special Town Meeting warrant, to be expended by the Board of Selectmen, up to a maximum of Twenty Thousand Dollars (\$20,000) per fiscal year, for the purpose of paying said inspectors or assistants for such work; or take any other action relating thereto.

ARTICLE 35

To see if the Town will vote to authorize the Board of Selectmen to grant a nonexclusive, perpetual right of way easement, including the right to install utilities, to Keith L. Symmes and Faith E. Symmes, Trustees of Symmes Sanctum Condominium, for the benefit of the property located at 23-25-27 Centennial Grove Road, identified as Essex Assessor's Map 8, Lot 50 (Essex South District Registry of Deeds, Book 21260, Page 222), in, along, upon and under a portion of the Town owned land, identified as Essex Assessor's Map 31, Lot 1 (Essex South District Registry of Deeds, Book 6132, Page 100), upon such terms and conditions and for such monetary consideration as the Board of Selectmen shall determine to be appropriate, or take any other action relative thereto.

ARTICLE 36

To see if the Town of Essex will create a part time Public Health Nurse Position and fund \$9750 for this position for Fiscal Year '08. This amount for FY '08 is for the hire of a Registered Nurse for an average of 5 hours per week @ \$27/hour. Additional funding is

included in this amount to cover necessary emergency response training, flu clinics, and any required emergency coverage. Future funding for this position is contingent upon funding at Town Meeting and/or received grants.

And you are hereby directed to serve this Warrant by posting attested copies; one at the Post Office, one at the Town Hall, and one at the Essex Elementary School, in said Essex, seven days at least before the time for holding said meeting.

Given under our hand this 26th day of March, two thousand seven.

Jeffrey D. Jones, Chairman

Mark W. Lynch

A. Raymond Randall, Jr.

BOARD OF SELECTMEN
TOWN OF ESSEX

Attest:

Constable

Date:

A motion was made, seconded, and unanimously Voted to add the ballot question to the Warrant and Ballot as printed in the draft warrant dated 3/27/07. A second motion was made, seconded, and unanimously Voted to add each of the non-petition articles to the Warrant as shown on the draft warrant dated 3/27/07. Each of the three petition articles are automatically part of the warrant. Additionally, a motion was made, seconded, and unanimously Voted to close the Warrant. And lastly, a motion was made, seconded, and unanimously Voted to sign the Warrant.

In other business, Mr. Zubricki presented a letter from Glenn Boutchie, offering as a gift to the Town, on behalf of Rule Industries, a remote control search light for the Harbormaster's boat. The search light rotates in 8 different directions and the remote control can be operated from 100 feet away. These are new lights and the Town would be testing it for Rule Industries and providing feedback. A motion was made, seconded, and unanimously Voted to accept the light. A thank you letter will be sent to Rule Industries and Glenn Boutchie.

Mr. Zubricki reported that he had received a letter from the Fire Department regarding their future goals which included a new fire truck and the extension of the water main lines.

Mr. Zubricki said that the Conservation Commission had asked to increase their FY08 budget in order to increase the hours worked by their clerk from 10 hours per week to 15 hours. The Selectmen agreed not to recommend their request at this time due to budget constraints.

Mr. Zubricki stated that the Shellfish Advisory Commission had posted their meeting for March 8th, 2007, and that he had been unable to determine if there were minutes available from that meeting.

A motion was made, seconded, and unanimously Voted to authorize the Chairman to sign a successor electric power purchase contract locking in the rate for the Town after December 1, 2008 once it becomes available with Constellation New Energy. Mr. Zubricki will have the Department of Public Works barn added to the existing contract so it will be included with the other accounts upon renewal.

Citing the need to move to Executive Session to discuss collective bargaining issues with the Essex Police Benevolent Association (EPBA), the Chairman entertained a motion to hold a Roll Call Vote. The motion was made, seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session. Town Administrator Brendhan Zubricki was invited to attend.

The Board returned to regular session at 9:45 p.m. In other business, the Selectmen discussed the sharing of the new Senior Center once it is completed. The establishment of a Senior Center Committee was suggested. The Committee would be in charge of scheduling the use of the space when it is not in use by the Seniors. The building will have a fire alarm, but no security alarm.

Selectman Randall had asked realtor Karen Bernier if she would voluntarily appraise the Centennial Grove Cottage. Ms. Bernier agreed to the task and Mr. Zubricki will provide Ms. Bernier with access to the cottage in the near future.

Mr. Zubricki reported that he is still waiting to hear from the American Federation of State, County, and Municipal Employees (AFSCME) union representative, Rose Groecke, regarding her acceptance of the proposed contract.

The Selectmen were reminded of the School Committee meeting on Tuesday, March 27th at the Manchester Essex Regional Middle/High School at 7:00 p.m. and the Playing Fields Committee meeting on Tuesday, April 10th at the Water Filtration Plant @ 7:30 p.m.

There being no other business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting.

Prepared By: _____

Attested By: _____