

Present: Chairman Mark W. Lynch, Selectman A. Raymond Randall, Jr.

Also Present: Town Administrator Brendhan Zubricki

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

Pam Stone and her son, Nicholas Congdon, appeared before the Selectmen to ask for a waiver of the clamming license application deadline. After a brief discussion, a motion was made, seconded, and unanimously Voted to waive the application deadline. A motion was also made, seconded, and unanimously Voted to approve and sign the clamming license application for Nicholas Congdon of 81 Southern Avenue.

Brendhan Zubricki presented his Town Administrator's Report for the period covering June 2nd through June 15th, regarding the following items:

Town Website Upgrade: Mr. Zubricki reported that he had been in contact with officials in the town of Manchester regarding their recent acquisition and implementation of Virtual Town Hall to manage their website. The officials were quite enthusiastic about the program and felt it was a good product that offered exceptional value. Mr. Zubricki has also learned that the Manchester Essex Regional School district is going to utilize the services of the same company. Mr. Zubricki said that he had approached the Finance Committee as requested by the Board about creating a line item in the operating budget to fund network maintenance on a yearly basis and that the Finance Committee supported the idea. He feels that the next step should be to contact Virtual Town Hall to explore options and prices. The Selectmen were in agreement.

Enforcement of Town/State Dog By-Laws: Mr. Zubricki said he had met with the newly appointed Dog Control Officer, Rob Steach, to go over any questions or concerns he might have concerning the Town's expectations. Mr. Steach told Mr. Zubricki that he is already receiving calls at his home even though his appointment does not become official until July 1st. Mr. Steach plans to take care of first offenders with warnings and fines. However, he will refer repeat offenders to the Selectmen. He has the capability to cage and feed animals if the need arises and has no qualms about putting down an out of control animal that is an immediate threat to those around it. Mr. Zubricki reported that Mr. Steach had requested a budget of \$75 per month to pay for out of pocket expenses incurred in connection with Dog Control Officer duties. The Selectmen felt that it was a reasonable request.

Community Preservation Committee Membership: Mr. Zubricki reported that Manchester had passed a Community Preservation Act and that the Manchester Selectmen were responsible for appointing 3 members to their committee: one from the Historic Resources Department, one from Parks and Recreation, and one At-Large member. Chairman Lynch and Selectman Randall agreed that they would like the

appointments to the Essex Community Preservation Committee to include the Town Treasurer/Collector and a member of the Finance Committee. Mr. Zubricki reminded the Selectmen that they have 30 days from the time the Attorney General approves the Town's Community Preservation Act to make their appointments.

Health Care Reform Law: Mr. Zubricki reviewed the requirements of the new Health Care Reform Law based on information that he had received from the Commonwealth Health Insurance Connector Authority, the Town's insurance company, and Town Counsel. The Law takes effect on July 1, 2007 and the State is requiring towns to have certain procedures in place at that time. As the first step in meeting those requirements, Mr. Zubricki presented an Employer Adoption Agreement and a Section 125 Cafeteria Plan that he had developed based on the Town's needs using templates provided by the State. A motion was made, seconded, and unanimously Voted to approve and sign both documents.

Teamsters Collective Bargaining: Mr. Zubricki announced that the bargaining session scheduled for Tuesday morning on June 19th had been cancelled due to a death of a close associate of two Teamsters agents. He did not know when it would be rescheduled.

Story Street sidewalk Bid Opening: Mr. Zubricki reported that the bidding had officially closed at 10:00 a.m. on Wednesday, June 13th. The bids had been opened and T&K Asphalt Services was the apparent low bidder at \$49,258. The Town's Design Engineer has checked all references and verified that all bid requirements have been met by the company. Mr. Zubricki recommended that the Selectmen vote to formally offer the contract to T&K Asphalt Services. Subsequently, a motion was made, seconded, and unanimously Voted to offer the Story Street Sidewalk Contract to T&K Asphalt Services with a request that they not begin the work until after 7/9/07.

Quarterly Report: Mr. Zubricki has been working on the quarterly report to the Department of Environmental Protection and is waiting to receive the lab reports on the sampling data. Since there will not be another Board of Selectmen's meeting before the report deadline, Mr. Zubricki requested that the Selectmen give their permission to submit the report once it is completed. A motion was made, seconded, and unanimously Voted to approve Mr. Zubricki's submittal of the report upon its completion to insure that the deadline is met.

Transfer of Tom Shea's Land Lease: Mr. Zubricki reported that the sale of Tom Shea's has been finalized as of June 7th. Town Counsel has prepared a transfer document to allow the old owner of the restaurant to transfer his interest in the lease of Town-owned land to the new owner. That document has been signed by the seller and the buyer and now requires the signature of the Selectmen. Selectman Randall moved that the Board of Selectmen vote to approve and execute an Assignment and Assumption Agreement, as drafted by Town Counsel, allowing Essex Landing, Inc., d/b/a Tom Shea's Restaurant, to assign its right, title and interest in that certain Lease entered into with the Town as of September 20, 2004 to DRB Realty Trust, on the condition that the assignee agree in writing to assume the obligations required to be performed by Essex Landing, Inc. under

said Lease and that there shall be no further assignment of the Lease without the prior written consent of the Town. The motion was moved, seconded, and unanimously Voted.

Aquatic Ecosystem Restoration Grant Program: Mr. Zubricki reported that he had investigated a grant that would provide partial funding for the Army Corps of Engineers to do a comprehensive hydrological study of the impact of the beaver population on Chebacco Lake and the surrounding area. In order to be eligible for the grant, the Town is required to make a commitment to provide funds. The Selectmen agreed that it is too early to make a commitment and that they would reconsider the option at a future date.

A motion was made, seconded, and unanimously Voted to sign the weekly warrant in the amount of \$101, 797.28.

At 7:30 p.m. the Chairman entertained a motion to open the Dog Hearing concerning two dogs owned by Linda Burke, a resident of 12 Harry Homans Drive. The motion was moved, seconded, and unanimously Voted. The Chairman asked everyone interested in speaking at the hearing, to raise their right hand and solemnly swear or affirm that the testimony to be given in this matter will be the truth, the whole truth, and nothing but the truth. Ms. Bonnie Amero, Mr. Anthony Dragonetti, and Ms. Linda Burke so swore. The Chairman asked if there was anyone present who wished to speak against the dogs. Ms. Amero recounted her experience at Chebacco Lake with her three small children. The dogs had accosted the children while in the Lake and the children had been frightened and badly scratched. Ms. Amero was unable to obtain assistance from either of two bystanders at the time of the incident. She expressed concern about whether the dogs were up to date on their rabies shots, etc. Mr. Dragonetti, a neighbor of Ms. Burke, spoke next. He said that the dogs are continually in his yard, defecating and causing disturbances to the property inhabitants and their visitors. Both Ms. Amero and Mr. Dragonetti had filed complaints with the Police Department. The Chairman then asked if there was anyone who wished to speak for the dogs. Ms. Burke apologized to Ms. Amero and Mr. Dragonetti for the conduct of her dogs. She said that her son lets them out during the day when she is at work. She has been trying to control the dogs and has bought a fence that she intends to install in her back yard for the purpose of confining the dogs. She said that the dogs have had all the necessary shots. Selectman Randall suggested that she continue to work with Amy Reilly, a dog trainer, to train the dogs to respond to voice commands. He also informed Ms. Burke that there are no dogs allowed at Centennial Grove, leashed or unleashed, at any time. There being no one else wishing to speak either for or against, a motion was made, seconded, and unanimously Voted to close the hearing. A motion was made, seconded, and unanimously Voted that since Ms. Burke's dogs, a yellow lab and a golden retriever, constitute a nuisance due to the nature of the disturbances they have caused, whenever the dogs are outside on Ms. Burke's property, the dogs are to be kept within a fenced enclosure at the rear of the property; the enclosure must be erected and in use within two weeks of receipt of the letter from the Selectmen informing Ms. Burke of their decision; and further, that the dogs are not to be allowed off of the Burke property without being on a leash and directly under Ms. Burke's control both before and after the fence has been installed.

Gil Guerin, a member of the Conomo Point Planning Committee, appeared before the Selectmen. He gave them a copy of an article from the New York Times concerning a somewhat similar situation in the Hamptons. He was reminded that the Committee will be meeting with the Selectmen on July 16th.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes of the June 4th, 2007 Selectmen's meeting.

A motion was made, seconded, and unanimously Voted to approve and sign a commitment for the Police and Fire Accident insurance offered by Federal Insurance Company.

Mr. Zubricki reported that he had traced the origin of the No Parking signs posted at Front Beach from June 1st through October 1st back through the last two assistants to the Board of Selectmen. It appears that the Selectmen, in their capacity as Conomo Point Commissioners, had voted to post the beach during the summer season back in the 1970s. The Selectmen agreed that the signs should continue to be posted from June 1st through October 1st and that they should read exactly as they have in the past. Mr. Zubricki will continue to investigate past policy regarding parking and boat launching at the Point.

Annie Cameron, Karen Wright, Tricia Soulard, members of the Youth Commission, and Marilyn Klypka-Simpson, the Youth Director appeared before the Board to discuss the purchase of new picnic tables for Centennial Grove. Several choices were presented by the Youth Director who recommended that 8 medium-priced picnic tables be purchased this year and 8 more next year. Lighter tables make it easier to move tables around, depending on event requirements, but also allow them to be stolen more easily. It was suggested that the tables could be chained together in groups to make them less likely to be taken. The Youth Director said that the gate to the Grove used to be locked at sunset and opened again in the morning and thought that that procedure should be reinstated. It was agreed by everyone that Mr. Zubricki would work with the Youth Director to purchase new tables and that the Selectmen and the Youth Commission would share equally in the cost, not to exceed \$2,499 each.

In other business, a motion was made, seconded, and unanimously Voted to approve the re-appointment of Peter Phippen as the Town Representative to the Metropolitan Area Planning Council for a term of three years.

The Selectmen reviewed a letter from Michael Smither, 18 Main Street, requesting reimbursement for some of the costs he had incurred in connecting to the sewer. The Selectmen decided to decline his request at this time.

Another letter from Stephen and Romaine Walker regarding the poor condition of Island Road was presented to the Selectmen. Mr. Zubricki said that he has been in contact with the Superintendent of Public Works, Paul Goodwin, regarding the Walkers' dissatisfaction. Mr. Goodwin said that he had informed Mrs. Walker that the DPW would be patching the pot holes on Island Road after July 1, when the new fiscal year begins.

Selectman Randall said that the Manchester Essex Regional School District had a telephone calling system that could be programmed to call all the students with specific announcements. He thought that the system could be very useful and wondered whether Essex might be able to borrow it for specific occasions or emergencies.

The Selectmen signed a thank you letter to Andrew Briggs recognizing his past contribution to the Finance Committee.

The Selectmen accepted the resignation of Shepherd Means from the Shellfish Advisory Board. Mr. Zubricki will contact the Advisory Board to determine whether they will be recommending someone for Mr. Means' replacement.

The Selectmen discussed the Memorial Park Bathroom Schedule. At present the bathrooms are only open Thursday through Sunday. Commencing July 1, they will be open 7 days a week until September 30, when the schedule will revert to the Thursday through Sunday schedule before eventually being closed for the winter. Now that the ball fields are being used, it was agreed to alter the existing schedule to allow the bathrooms to be open continuously starting at the Memorial Day weekend as opposed to July 1st.

The Board of Health's request for use of Town Counsel was reviewed by the Selectmen. A motion was made, seconded, and unanimously Voted to approve the Board of Health's request for access to Town Counsel after July 1st, 2007.

A letter from the Planning Board Chairman regarding Habitat for Humanity was reviewed. The Selectmen agreed that they are not opposed to a Habitat for Humanity project.

A motion was made, seconded, and unanimously Voted to approve and sign a line item transfer from Group Health Insurance to Senior Center Property Expense in the amount of \$5,451.93.

A motion was made, seconded, and unanimously Voted to approve and sign a line item transfer from the Building Inspector's Clerical Salary to the Town Custodian's Salary in the amount of \$52.00.

A motion was made, seconded, and unanimously Voted to approve and sign a line item transfer from the Selectmen's Telephone to Internet Services in the amount of \$200.00.

A motion was made, seconded, and unanimously Voted to approve and sign a line item transfer from Wastewater Legal Expense to General Legal Expense in the amount of \$3,000.00.

A motion was made, seconded, and unanimously Voted to approve and sign a request to encumber \$75,797.55 in Senior Center Property Expense.

A motion was made, seconded, and unanimously Voted to approve and sign a line item transfer from Ambulance Training Labor to Police Department Supplies in the amount of \$3,056.08.

A motion was made, seconded, and unanimously Voted to approve and sign a line item transfer from Water Department Operator Salaries to Well Cleaning in the amount of \$4,000.00.

A motion was made, seconded, and unanimously Voted to approve and sign a line item transfer from Water Department Part-Time Salaries to Well Cleaning in the amount of \$3,500.00.

A motion was made, seconded, and unanimously Voted to approve and sign a line item transfer from Highway Department Stormwater Compliance to Highway Department Other Maintenance in the amount of \$1,526.00.

A motion was made, seconded, and unanimously Voted to approve and sign a line item transfer from Highway Department Grounds Maintenance to Cemetery Maintenance in the amount of \$150.00.

A motion was made, seconded, and unanimously Voted to approve the request from the Board of Commissioners for the Cemetery Department to transfer from its various accounts the total sum of \$21,939.00 towards the budget for fiscal 2008.

The Selectmen reviewed a letter from Massachusetts Elks Association regarding a Motorcycle Poker Run on June 30th. It was agreed that Chief Silva should be notified of the event.

A request from Evelyn Mears to place a moving trailer in her driveway for a short time was reviewed. A motion was made, seconded, and unanimously Voted to approve the placement of the trailer until July 13th.

The Selectmen were informed that Kirk and Joanne Smith of Conomo Point were unhappy with the new mooring regulations and had requested an appointment with the Selectmen to discuss the matter. The Selectmen agreed that they were welcome to appear during the public comment period at any of the future Selectmen's meetings.

The Selectmen agreed that they would like to adopt the policies and procedures that were used for the old Scout House as outlined by Warren Grant for the new Senior Center. Mr. Zubricki said that Warren Grant had asked that a charge be formulated for the new committee since the old committee never had one.

A motion was made, seconded, and unanimously Voted to make the yearly appointments per the attached list and the Selectmen signed the corresponding appointment cards.

The Selectmen were reminded that the Essex Shipbuilders will be meeting at 6:30 p.m. on Tuesday, June 19th, 2007 in the T.O.H.P. Burnham Public Library.

The School Committee and the School Building Committee will meet at 6:30 p.m. on Wednesday, June 20th, after the ground-breaking ceremony, at the Manchester Essex Regional Middle/High School. Chairman Mark W. Lynch and Selectman Randall plan on attending the ground-breaking ceremony.

The Planning Board will hold a public hearing on Wednesday, June 20th @ 8:00 p.m. to consider a change of use for 1 John Wise Avenue.

The Appeals Board will meet on Tuesday, June 26th @ 7:00 p.m. in the Library to consider an appeal for 160 John Wise Avenue.

The next Long-Term Planning Committee meeting is on Wednesday, June 27th at 7:00 p.m. at the Essex Fire Station.

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

Prepared by: _____
Pamela J. Witham

Attested by: _____
A. Raymond Randall, Jr.