

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

Also Present: Town Administrator Brendhan Zubricki, 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 Public Library and announced that the Board would hear Public Comment. There was no one present from the public to offer any comment.

Mr. Zubricki presented his Town Administrator's Report for the period covering September 6<sup>th</sup> through September 14<sup>th</sup>, regarding the following items:

Employee Needle Handling and Needle Stick Policies: Mr. Zubricki reported that he had received a request from the Safety Committee for the Town's policy regarding the safe handling of found hypodermic needles. As a result, the Safety Committee has been working with the Board of Health and the Town Administrator to develop the needed policies. Mr. Zubricki presented the Selectmen two policy drafts, an Employee Sharps Needle Handling Policy and an Employee Needle Stick Policy, that have been approved by the Board of Health. After review, a motion was made, seconded, and unanimously Voted to approve the Employee Sharps Needle Handling Policy and the Employee Needle Stick Policy which will now both be distributed to the Safety Committee at their September 19<sup>th</sup> meeting.

Annual Heating Oil Bid: Mr. Zubricki said that he had sent out the annual requests for quotations for the provision of heating oil to the Town buildings to three vendors. He has received two responses: Scott Oil submitted a price of 35¢ above the Journal of Commerce daily index price and Foxhill Heating Oil submitted a price of 20¢ above the Journal's daily index. A motion was made, seconded, and unanimously Voted to grant the one-year contract for provision of heating oil for Town buildings to Foxhill Heating Oil. Mr. Zubricki agreed to inform Foxhill of the Selectmen's decision.

Quarterly Report: Mr. Zubricki has begun to assemble the quarterly report to the Department of Environmental Protection and the report will be due before the next Board of Selectmen's meeting. A motion was made, seconded, and unanimously Voted to authorize Mr. Zubricki to submit the report once all the data is available. It is anticipated that the necessity to submit water quality sampling data will be ending soon since the Town has fulfilled most of its obligations to the DEP regarding the implementation of the sewer system.

Special Town Meeting: Mr. Zubricki reported that the Town Accountant has advised him that there are certain housekeeping items regarding administrative budget adjustments

that need to be presented to a Special Town Meeting. The Selectmen were in favor of organizing a STM and agreed to a tentative date of November 5<sup>th</sup>, 2007. Mr. Zubricki reviewed with the Selectmen a draft list that he has assembled from various sources of proposed topics for articles to be included in the STM warrant. Based on the Selectmen's guidance, Mr. Zubricki will continue to work with the Town Accountant to formulate the articles for the November meeting.

Senior Center Update: Mr. Zubricki reported that most of the personal property has been moved back to the Senior Center, as well as, as the addition of new tables, chairs, etc. He has completed installation of two computers, several phones, and a large flat screen television. The Selectmen agreed to schedule a formal open house for the Senior Center on Wednesday, October 17<sup>th</sup> at 12:00 noon. Selectman Randall said that he would be able to attend. It is hoped that everyone involved in the creation of the new center will be present for the celebration. Mr. Zubricki volunteered to speak to Mary Hickey, the head of the Essex Division of the Cape Ann Chamber of Commerce, to inquire about Town businesses donating food for the event.

Byrne Formula Grant Program: Mr. Zubricki said that the Police Chief has discovered a new grant program called the Byrne Formula Grant. The Police Department has been looking at law enforcement tracking software that is very expensive and the Chief thought that the grant might fund the purchase. Mr. Zubricki has researched the grant on the internet and has partially completed an application. The Chief is working with other jurisdictions to develop a regional proposal. A motion was made, seconded, and unanimously Voted to authorize the Board Chairman to sign the grant application as soon as it is completed for submission by the September 28<sup>th</sup>, 2007 deadline. If the grant is awarded and the software is purchased and installed, the only cost to the Town will be for annual maintenance.

Shellfish Ticket Reconsideration: Mr. Zubricki asked the Selectmen if they have reviewed the request from a clammer to dismiss a ticket he had received for digging on closed winter clam flats. The clammer maintains that the area was not posted as off limits. While the Board does not have the authority to dismiss the ticket, they may instruct the Town Clerk not to pursue the ticket at the District Court level. The Selectmen were in agreement and asked Mr. Zubricki to inform the Town Clerk not to pursue the ticket at this time.

Mr. Zubricki announced that the acting Shellfish Warden Stephen Hartley has made an appointment at the next Selectmen's meeting to discuss suggestions for additional guidelines for the replacement Shellfish Warden. The Selectmen will also interview the candidates for the position at that time.

Mr. Zubricki said that Annie Cameron has been unsuccessful to date in finding someone to sponsor liability insurance for the Soap Box Derby fundraiser event that her group is planning. Mr. Zubricki has discussed the lack of insurance with the Town's insurance

carrier who has provided a sample hold harmless form for each participant to sign. In the event of an accident, each participant's own insurance would be responsible for medical costs due to injuries received during the fundraiser. Mr. Zubricki will get a final form approved by Town Counsel.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$58,639.05.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes of the September 5<sup>th</sup>, 2007 regular Selectmen's meeting. Selectman Jones abstained while a motion was made, seconded, and unanimously Voted by Chairman Lynch and Selectman Randall to approve and sign the minutes for Selectmen's Executive Session I and Executive Session II dated September 5<sup>th</sup>, 2007.

A motion was made, seconded, and unanimously Voted to grant permission to the North Shore United Way to erect a thermometer in front of the Town Hall on the Library side.

The Selectmen reviewed a request from the Essex Lions Club to hold the annual Turkey Trot Road Race on Sunday, November 18<sup>th</sup>, 2007. A motion was made, seconded, and unanimously Voted to approve the request and to sign the parade permit request and forms to be forwarded to Mass Highway for State approval.

The Selectmen acknowledged a letter from Mr. Richard Buckley regarding his dissatisfaction with recent new signage on Story Street as a result of the new sidewalks. The Selectmen agreed that the Department of Public Works should talk to Mr. Buckley.

Mr. Zubricki said he had received a report that two pit bulls allegedly belonging to Mr. Gannett of Pond Street had gotten loose and were roaming the neighborhood. The school had kept the children in at recess as a result. No incidents were reported. The Selectmen asked Mr. Zubricki to inform Mr. Gannett that his dogs had allegedly caused a disturbance in the neighborhood and to ask Mr. Gannett to keep his dogs under control when they are outside.

Chairman Lynch said that he would like to share some ideas regarding Conomo Point. Selectmen Jones recused himself from the discussion due to a conflict of interest. The Chairman said that he would like to explore the idea of hiring a consulting firm to assist in determining the wishes of the Town's people regarding the future of Conomo Point. Mr. Zubricki presented a sample Request for Proposals form that the Town has used in the past for other projects. It was agreed that the two Selectmen would review the form and the scope of work to prepare for further discussion of the idea at a future Board of Selectmen's meeting in October. It is hoped that a survey of the Town would focus on ideas for future usage of the Point, the Town's willingness to accept various financial implications, and to determine the desired level of public access. Horsley and Whitten was mentioned as a possible consultant candidate.

In a related matter, Mr. Zubricki reported that Town Counsel is working on a response to the recently received letter from the Attorney General regarding the Executive Session of the Board of Selectmen on September 5<sup>th</sup>, 2007.

The Selectmen, acting in their capacity as the Licensing Board for the Town of Essex reviewed the following requests for licenses:

One-Day Entertainment License:

- Andrew St. John for use on Saturday, September 29, 2007, between the hours of 6:00 p.m. and 12:00 midnight within the confines of the Essex Shipbuilding Museum at the Waterline Center on Main Street.

One-Day Wine and Malt License:

- Andrew St. John for use on Saturday, September 29, 2007, between the hours of 6:00 p.m. and 12:00 midnight within the confines of the Essex Shipbuilding Museum at the Waterline Center on Main Street.

A motion was made, seconded, and unanimously Voted to grant the request by Andrew St. John for a One-Day Entertainment License and a One-Day Wine and Malt License.

The Selectmen were reminded that the next Teamsters Collective Bargaining Session will be at 7:30 a.m. on Tuesday, September 18<sup>th</sup> in the Senior Center. Selectman Jones and Town Administrator Zubricki will attend.

Chairman Lynch and Selectman Randall will attend the Cape Ann Chamber of Commerce Essex Division meeting on Tuesday, September 18<sup>th</sup>, at 8:00 a.m. at the Cape Ann Golf Club.

Selectman Randall will be attending the Long Term Planning Committee meeting at the Senior Center on Tuesday, September 18<sup>th</sup> at 7:00 p.m.

No one will be attending the Cape Ann Chamber Breakfast Club at the Elks in Gloucester on Friday, September 21, 2007.

The Metropolitan Area Planning Council will sponsor a Metro Future Leadership Dialogue at the Procter Elementary School, 60 Main Street, Topsfield on Wednesday, September 26, 2007 from 6:30 p.m. until 9:00 p.m. Selectman Randall will attend.

The next BOS meeting will be on Monday, October 1<sup>st</sup>, at 7:00 p.m. in the Library.

The Selectmen were also reminded that the Clam Fest will be held on Saturday, October 20<sup>th</sup>, 2007 and that the Chapter 40 b Workshop sponsored by Kopelman and Paige will be held on Monday, October 22<sup>nd</sup>, 2007 in the Senior Center @ 7:00 p.m.

The Selectmen acknowledged a letter from an out of town person who had received a parking ticket while at one of the local restaurants. The Selectmen agreed to let the Chief

of Police handle the matter. It was suggested that next year, when the season starts, the Police Chief and the Salvuccis be asked to come to a Board of Selectmen's meeting to discuss possible solutions to the parking problem at Farnham's.

Chairman Lynch said he would look into the process used to perform CORI checks on the subcontractors working on the new Manchester Essex Regional School.

Mr. Zubricki presented three letters that he has received from the Chief of Police from different organizations requesting permission for motorcycle rides through the Town. The Special Olympics event had already happened last Saturday. A motion was made, seconded, and unanimously Voted to approve the requests for the Stephen Hancox Memorial Motorcycle Run & BBQ Benefit on October 20<sup>th</sup> and for the Connie Marosi Memorial Ride on September 30<sup>th</sup>.

Mr. Zubricki said that there is an FY 2008 Community Policing Grant Program that can be used to fund Police Department Costs such as Personnel; Training; Overtime – Training; Overtime – Replacement Costs; Overtime – Beyond Tour of Duty; Supplies & Operating Expenses; Equipment and Other. An application in the total amount of \$11,299 has been prepared. It is necessary for the Selectmen to approve and sign the Contract and the Contractor Authorized Signatory Listing to accompany the application. A motion was made, seconded, and unanimously Voted to designate Chairman Lynch as the authorized signatory for the Community Policing Grant. A motion was also made, seconded, and unanimously Voted to approve and sign the Contract for the Community Policing Grant. One of the Selectmen noticed that one of the forms showed that there was \$4000 in unexpended funds from the Fiscal Year 2007 grant. Mr. Zubricki said that he would ask Chief Silva about the \$4000.

Mr. Zubricki reported that Roger Lander has requested that Sally Dort replace a vacancy on the Council on Aging. The Selectmen requested that Mr. Lander submit the request in writing and specify which member of the Council Ms. Dort will be replacing.

Selectman Jones said that Tim O'Leary has resigned from the Playing Fields Committee and the School Building Committee. He said that Richard Trebowicz is interested in filling the vacancy on the Playing Fields Committee. It was agreed to ask Mr. Trebowicz to submit a letter of interest.

It was announced that a check had been received from the Essex Lions Club pertaining to the recent Music Festival at Centennial Grove in the amount of \$145.00. The check will be deposited in the Grove Revolving Account.

Citing the need to discuss an easement over real property owned by the Town, the Chairman entertained a motion to move to Executive Session. He stated that the Board would not be returning to regular session and invited Town Administrator Zubricki to

attend. The motion was moved, seconded, and per a unanimous Roll Call Vote moved to Executive Session at 8:10 p.m.

The Board came out of Executive Session at 8:20 p.m.

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.