

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 public comment.

Max King from Boy Scout Troup 3 appeared before the Selectmen to present his Eagle Scout project. His goal is to build 40 bat houses and place them in Centennial Grove. One bat can eat up to 1000 bugs per hour. Attracting bats to an area can significantly impact the mosquito population and thereby reduce the risk of mosquito borne illnesses. He is hoping to raise enough money to purchase bat house kits that will be constructed by volunteers and placed in strategic places at the Grove. Max showed the Selectmen a map with the anticipated locations of the houses. The Selectmen thought that it was a great idea and gave their permission to place the bat houses at the Grove contingent upon the approval of the Health Agent and the Superintendent of Public Works. Max King thanked the Selectmen and left the meeting.

On a related topic, the Chairman asked Mr. Zubricki to investigate the possibility of procuring greenhead traps for the 2008 season. In the past the traps have been purchased by individuals on a sporadic basis.

Brendhan Zubricki presented his Town Administrator's Report for the period covering September 29th through October 12th, regarding the following items:

(Selectman Jones recused himself from all discussion of items relating to Conomo Point.)

Conomo Point Planning Maps (GIS) and Conomo Point Request for Proposals

Discussion: Mr. Zubricki reported that he has received a request from Ed Neal, a member of the Conomo Point Planning Committee, to ask the Metropolitan Area Planning Council to create maps of Conomo Point that would be used to help with planning the future of that area. The Town previously approved a sum of money at the last Annual Town Meeting in May for the purpose of creating GIS maps of the Town on an as-needed basis. Mr. Zubricki said that the base map has already been created and that now layers can be added to illustrate desired aspects. Chairman Lynch suggested that the Request for Proposals to professional planning companies for assistance in planning the future of Conomo Point be postponed until an accurate map of the area is created. Once the maps are available, it is anticipated that the Conomo Point Planning Committee will schedule a meeting to review them. The Selectmen agreed that Mr. Zubricki should continue to work with MAPC to create the map and to keep the Selectmen and Rolf Madsen, the Chairman of the CPPC, informed of the progress.

NIMS Training Compliance Certification: Mr. Zubricki said that the Executive Office of Public Safety and Security is requiring that all necessary municipal personnel and officials receive National Incident Management System training. All required Town employees have received the training. However, the State is also asking that the Selectmen take the IS-700 course on line. Certification by the Town to the State that all necessary training has been completed is required by November 30th. If the training has not been completed, then a letter will have to be written to the State certifying that the training will be completed no later than January 28, 2008.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$51,575.59.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the Open Session Selectmen's meeting on October 1st, 2007.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes of the October 1st, 2007 Selectmen's Executive Session.

A motion was made, seconded, and unanimously Voted to approve and sign the application for the Police Department to the Statewide Emergency Telecommunications Board regarding the FY2007 SETB Training Grant Reimbursement Form.

After review of the recommendation by Fire Chief Richard Carter to promote Samuel (Skip) Crocker from the Essex Auxiliary Fire Department to the Essex Fire Department, a motion was made, seconded, and unanimously Voted to appoint Samuel Crocker to the Essex Fire Department. The Selectmen signed the appointment card.

The Selectmen considered a request from the Fire Chief to reopen public wooded areas in Town. Recent rainfall has greatly reduced the likelihood of forest fires. The Selectmen were in agreement and a motion was made, seconded, and unanimously Voted to reopen the woodlands.

The Selectmen signed the appointment card for Sally Dort to the Council on Aging which was approved at the last meeting pending a successful CORI check which has now been completed.

The Selectmen reviewed a request from the First Universalist Church and a motion was made, seconded, and unanimously Voted to approve the First Universalist Church's use of Centennial Grove on Saturday, November 3rd between the hours of 4:30 and 9:00 p.m. and to waive the usage fee pending the receipt of the completed application form and hold harmless agreement.

Mr. Zubricki reported that the wrong name had been submitted to the Selectmen for appointment to the Senior Center Committee. Subsequently, a motion was made, seconded, and unanimously Voted to remove Sue Cain from the Senior Center Committee. A second motion was made, seconded, and unanimously Voted to add Sue Kane to the Senior Center Committee.

Selectman Jones informed the Selectmen that Rich Trebowicz was very much interested in filling the position on the Playing Fields Committee left by Mr. O'Leary. A motion was made, seconded, and unanimously Voted to appoint Mr. Trebowicz to the Playing Fields Committee. Since the Senior Center will be occupied on October 24th, the Committee will be holding its next meeting in Manchester at 7:30 p.m.

At 7:30 p.m., Planning Board members (Chairman Scottie Robinson, Rob Fitzgibbon, Andrew St. John, and Mike Cataldo) appeared before the Selectmen to discuss Town Bylaws. Also present were Lorraine Hardy-Wyatt, John Guerin, Linda Osburn, and Frank Hardy, Jr. Ms. Robinson said that they had received a proposal from Horsley and Whitten to present a workshop for a \$4,000 fee. The workshop could address one of several possible topics relating to the Town (i.e. parking problems, mixed use, zoning, overlay districts, etc.). Everyone agreed that there are gaps and inconsistencies in the Town's Bylaws which greatly hinder their usefulness. Chairman Lynch reported that he has been meeting with area selectmen and that at one of the recent meetings, he heard mention of an effort by Attorney Mark Bobrowski to re-codify the Wenham Bylaws. Attorney Bobrowski is a highly recognized professional in the field of town bylaws and was hired by Wenham as a consultant. As a result, the Selectmen asked Mr. Bobrowski to submit a proposal for an analysis and recommendation regarding the Town Bylaws. Kopelman and Paige, Town Counsel, has also been asked to prepare a similar proposal. It was suggested that Horsley and Whitten should be asked to submit a proposal as well. It was agreed that the proposals would be circulated for review and comment by both the Board and the Committee once the Kopelman and Paige proposal is received. Members of the Planning Board and the spectators left the meeting.

Police Sergeant Paul Francis came before the Selectmen to introduce and recommend two prospective candidates for the Police Department. Sergeant Francis reviewed the accomplishments of Mariko Weston and Eric Gonynor and presented Chief Silva's enthusiastic recommendation of both candidates to the position of Reserve Police Officer. The Selectmen were in favor of the recommendation and a motion was made, seconded, and unanimously Voted to appoint Mariko Weston to the position of Reserve Police Officer pending a successful drug and alcohol test. A motion was also made, seconded, and unanimously Voted to appoint Eric Gonynor to the position of Reserve Police Officer pending a successful drug and alcohol test. The Sergeant and the candidates left the meeting.

At 8:00 p.m., citing the need to discuss strategy with respect to real property and pending litigation, the Chairman entertained a motion to move to Executive Session. He said that

the Board would be returning to Open Session and invited the Town Administrator to attend. The motion was moved and per a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 8:10 p.m.

Special Town Meeting Warrant: Mr. Zubricki reviewed the draft of the articles to be included in the warrant for the Special Town Meeting proposed for November 5th, 2007. Chairman Lynch suggested that an exhibit be created detailing the dollar amounts for each article that could be handed out prior to the meeting.

After review and discussion, a motion was made, seconded, and unanimously Voted to hold a Special Town Meeting on November 5th, 2007. A motion was made, seconded, and unanimously Voted to open the warrant. A motion was made, seconded, and unanimously Voted to include the following articles attached hereto in the warrant.

2007
Commonwealth of Massachusetts
Town of Essex
Warrant for Special Town Meeting

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, to meet in said Essex at the Essex Elementary School on Monday, November 5, 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 amend the vote taken under Article 8 of the May 7, 2007 Annual Town Meeting by revising the amount appropriated for Sewer Enterprise Fund debt service principal, interest, and fees; or take any other action relating thereto.

ARTICLE 2

To see if the Town will vote to amend the vote taken under Article 10 of the May 7, 2007 Annual Town Meeting by reducing the fiscal year 2008 Youth Enterprise Budget and/or by transferring from available funds a sum of money to fund said budget; or take any other action relating thereto.

ARTICLE 3

To see if the Town will vote to amend the vote taken under Article 5 of the May 7, 2007 Annual Town Meeting by reducing certain appropriations authorized thereunder and/or by transferring from available funds a sum of money to fund said budget; or take any other action relating thereto.

ARTICLE 4

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to be added to the Finance Committee's Reserve Fund for fiscal year 2008; or take any other action relating thereto.

ARTICLE 5

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the payment of unpaid bills and wages from past fiscal years; or take any other action relating thereto.

ARTICLE 6

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 having the Town's web site hosted by a third party vendor, including startup costs, selection of support options, training, maintenance, and any other related issues; or take any other action relating thereto.

ARTICLE 7

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 sport utility vehicle (SUV) for the Police Department to replace one of the existing police cruisers and to authorize the Board of Selectmen to dispose of the police cruiser replaced by the SUV 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 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 replacing the concrete apron in front of the

Essex Fire Station including the costs of design, demolition, construction, project oversight, or any other related aspects; 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 repairing damaged railings on the stairway leading up from the municipal parking lot; or take any other action relating thereto.

ARTICLE 10

To see if the Town will vote to amend Section 3 of the Town of Essex Animal Control By-law that currently reads:

SECTION 3. CONTROL OF ANIMALS. No person owning, harboring or having the custody or control of a dog shall permit such dog to enter or remain upon the following property at the time indicated:

a. *PUBLIC SCHOOL GROUNDS.* No dog shall be allowed upon public school grounds between the hours of 7:30 a.m. and 4:30 p.m., local time, Monday through Friday, during the school year and any special sessions thereof. Dogs shall not be allowed on any school department property while schools in Essex are in session.

b. *BEACHES.* No dog shall be allowed upon any public beach in Essex at any hour of the day during June, July, and August in each year.

c. *CEMETERY GROUNDS.* No dog shall be allowed upon any cemetery grounds in Essex at any hour of the day, at all times of the year.

d. *PUBLIC PARKS.* No dog shall be allowed in any public park in Essex at any hour of the day, at all times of year.

By modifying subsection (d) to read:

d. *PUBLIC PARKS.* No dog shall be allowed in any public park in Essex at any hour of the day, at all times of year, except at the Centennial Grove. Supervised dogs on a leash or under the direct control of their owner (not unsupervised dogs) shall be allowed at the Centennial Grove except during June, July, and August in each year, during which months dogs shall not be allowed at the Centennial Grove.

; or take any other action relating thereto.

ARTICLE 11

To see if the Town will vote to amend the vote taken under Article 3 of the May 7, 2007 Annual Town Meeting by adding to the fiscal year 2008 Wage & Salary Scale a position known as "Public Health Nurse" within the Board of Health at a rate of \$27 per hour; or take any other action relating thereto.

ARTICLE 12

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the funding of a Public Health Nurse position within the Board of Health for the remainder of fiscal year 2008; or take any other action relating thereto.

ARTICLE 13

To see if the Town will vote to authorize the Board of Selectmen to accept, on behalf of the Town, a grant of restrictive covenants from Keith L. Symmes and Faith E. Symmes, Trustees of Symmes Sanctum Condominium, with respect to the property located at 23-25-27 Centennial Grove Road, identified as Essex Assessor's Map 8, Lot 50, and described in a deed recorded with the Essex South District Registry of Deeds in Book 21260, Page 222, in connection with the development and subdivision of said property; or take any action relating thereto.

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, fourteen days at least before the time for holding said meeting.

Given under our hand this 15th day of October, two thousand seven.

Mark W. Lynch, Chairman

Attest: _____
Constable

Jeffrey D. Jones

Date: _____

A. Raymond Randall, Jr.

BOARD OF SELECTMEN
TOWN OF ESSEX

A motion was made, seconded, and unanimously Voted to close the warrant. And finally, a motion was made, seconded, and unanimously Voted to sign the warrant.

Mr. Zubricki informed the Selectmen that the DPW Superintendent had noticed a tree limb that needed to be removed from a leased property on Conomo Point since it is about

to fall down. The Superintendent has offered to have the DPW perform the work if approved by the Selectmen in their capacity as Conomo Point Commissioners. A motion was made, seconded, and unanimously Voted to approve the removal by the DPW.

The Board was informed that the ABCC has approved the request by JR's Route 22 to a change of directors, change of manager, transfer of stock, and pledge of license.

The Selectmen were reminded of the following events:

- The Senior Center Committee will be meeting at 9:00 a.m. on Tuesday, October 16th, 2007 in the Senior Center.
- The Essex Division meeting of the Cape Ann Chamber of Commerce will be held at 8:00 a.m. on Tuesday, October 16th at Tom Shea's.
- The Senior Center Open House is scheduled for 12:00 noon on Wednesday, October 17th, 2007 at the Senior Center.
- A Cape Ann Caucus will be held on Friday, October 19th, 7:30 a.m., at JR'S Route 22 on Western Avenue.
- The Clam Fest will be held on Saturday, October 20th, 2007.
- A Chapter 40 b Workshop will be held on Monday, October 22nd, 2007 in the Senior Center @ 7:00 p.m.
- The Evening Business Exchange will take place from 5:00-7:00 p.m., on Monday, October 22nd, 2007 at Doyon's at Whistlestop Mall.
- The next Teamsters Collective Bargaining session will be on Tuesday, October 23rd, 2007 at 7:30 a.m. in the Senior Center.
- The Long Term Planning Committee will meet on Tuesday, October 23rd, 2007 at 7:00 p.m. in the Senior Center.
- The Cape Ann Breakfast Club will hold their next meeting at the Gloucester House Restaurant at 7:30 a.m. on Friday, October 26th, 2007. The presentation is entitled "Gloucester's Future: the Race for Mayor", a mayoral debate.
- The next Board of Selectmen's meeting will be at 7:00 p.m. Monday, October 29th, 2007 in the Library.
- There will be a Joint Budget Kickoff meeting with MERSD and Manchester Officials on Tuesday, December 4th, 2007 at 7:30 p.m. in the HS cafeteria.

Mr. Zubricki said that he has received a call from Mike Costello, the head of the Cape Ann Chamber of Commerce, expressing concern over a strong letter the Chamber had received from the Essex Board of Health concerning the Essex Clamfest scheduled for Saturday, October 20th. The Selectmen discussed different solutions for streamlining and facilitating the process by which food vendors apply for temporary food permits. Mr. Costello has suggested that in the future, the Board of Health should provide a list of vendors who are delinquent which would allow Mr. Costello to pursue the offenders on a timely basis.

Mr. Zubricki asked the Selectmen to sign a letter attesting to the fact that Mr. Zubricki is the Town Administrator for the Town of Essex. The letter is needed to secure a discounted rate when Mr. Zubricki attends a Massachusetts Health Officers Association meeting in October.

Selectman Randall suggested that Mr. Zubricki invite Mark R. Fregeau, the Chair of the Biology Department and Coordinator at Cat Cove Lab in Salem to discuss clam culture with the Selectmen and other interested parties at the next Selectmen's meeting on October 29th. Mr. Zubricki would also invite Acting Shellfish Warden Steve Hartley and soon to be Shellfish Warden Paul Thistlewood to attend the discussion. It was also agreed that Mr. Zubricki would try to schedule the meeting between the Department of Marine Fisheries and Mr. Hartley, Mr. Thistlewood, and Mr. Zubricki for sometime during the week of October 29th. It was suggested that Mr. Muniz, one of the other candidates for the Shellfish Warden's position, might be an appropriate choice for the position of Assistant Shellfish Warden.

Mr. Zubricki said he has been in contact with Mr. Symmes concerning the possible donation of a van to the Town for use by the Council on Aging. Mr. Symmes has requested reassurance from the Selectmen that they are still in favor of receiving the donation. The Selectmen are agreed that the donation will be favorably received and asked Mr. Zubricki to convey their wishes back to Mr. Symmes.

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.