

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

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. No comments were offered.

Members of the Board of Health (Chairperson Lynne Marchetti, Marlene Sanders, and Dr. Driscoll), Health Agent Elaine Wozny, and members of the Cape Ann Chamber of Commerce (Chairman Mike Costello, Sue Lufkin, Heidi Jackson-Dean, and Tracy Carlson) appeared before the Selectmen to discuss permitting procedures for the 2008 Clam Fest scheduled for Saturday, October 25. The Essex Clam Fest is the major fundraising event for the Chamber each year. Participating restaurants donate enormous quantities of chowder, in addition to paying their staff to man the booths during the event.

Chamber members said that the Essex restaurants are unhappy with the lengthy applications for a one-day temporary food handling permit and that at least a couple of the restaurants have refused to continue to participate in the event. In the Town of Ipswich, the Lions Club fills out one form listing all the participants for their event. Since the Essex Restaurants are annually licensed and regularly inspected by the Board of Health, the Chamber hoped that the process for this one event could be streamlined to resemble that used by Ipswich. The Chamber pointed out that the event is held every year in the same place and there are many commonalities. The Chamber sets up each area to be used by the restaurants and they are all the same. Each restaurant should not have to describe the location, the booths, etc. as part of the application process. The Board of Health said that there are numerous variables involved in the safe handling, transportation, and cooling and reheating of food and that the application form needs to address those concerns as mandated by the Federal Food and Drug Administration. The Selectmen suggested that a new form be devised listing the guidelines to be followed. The restaurants would state that they have complied with the rules by signing the form. The Chamber asked that the Board of Health relax the 30-day deadline for submitting applications, since it was difficult to get all the restaurants organized so far in advance. They also suggested scheduling a BOH meeting closer to the day of the event. The Selectmen said that the BOH could vote to ratify the Health Agent's or the Chair's approval of any late applications after the fact. After much discussion, it was agreed by everyone present that the Chamber would submit proposed application changes to be considered by the Board of Health, that the BOH would consider formulating a new application as suggested by the Selectmen listing procedures to be followed by the restaurants, and would look at the forms used by Ipswich. The Chamber members and the Board of Health and Ms. Wozny left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering February 9th through February 22nd, regarding the following items:

Town Website Update: Mr. Zubricki reported that he continues to work with the website vendor to build the Town's new website. Many of the departments and committees have already supplied information and documents to be added to the site. Mr. Zubricki is currently coordinating a training seminar for all those who will be managing parts of the website. He asked if the Selectmen would like to limit the number of users. The Selectmen agreed that they are in favor of 15 user accounts at the present time.

Emergency Server Hosting Agreement: Mr. Zubricki said that Edgewater Technologies has returned the Hosting Agreement which has since been reviewed by Town Counsel. The agreement is now ready to be approved by the Selectmen and signed by both parties. A motion was made, seconded, and unanimously Voted to approve and sign the agreement.

Proposed Plan for Causeway Seawall Work: Mr. Zubricki stated that he has discussed the concerns of Town residents about preserving the granite seawall on the causeway with the MassHighway Project Manager. The Manager told Mr. Zubricki that the current roadway and seawall are constructed on fill on top of peat. Consequently, there has been a lot of movement in the roadway and the seawall. It is the intention of the State to reconstruct the seawall and the roadway using 30-foot pilings and cement. Granite facings will be bolted to the cement to give the appearance of a granite seawall. This manner of construction will provide for an extremely rugged and durable roadway and seawall. The Manager explained that attempting to incorporate the old large granite pieces into the new construction would not result in a satisfactory seawall and would create further encroachment into the River.

Route 133 Project Temporary and Permanent Easements: Mr. Zubricki reported that MassHighway's Right of Way Personnel have been working their way through Town in preparation for the start of the Route 133 Reconstruction Project this summer. They have asked the Town for temporary and permanent easements for Woodman's Beach, the Legion Hall, and the area between Perkins Marine and the adjacent seawall. The Selectmen approved Mr. Zubricki's request to check with Town Counsel on the appropriateness of the Town granting easement rights on the Perkins Marine/seawall area and stated that they were generally in favor of granting the other requested easements. Mr. Zubricki will verify with Counsel what the easement-granting procedure must be.

Senior Center System Maintenance/Testing Contracts: Mr. Zubricki said he has received contracts for maintenance and inspection of the HVAC system, the fire alarm system, the sprinkler system and the elevator at the Senior Center. A motion was made, seconded, and unanimously Voted to approve and sign contracts with Professional Fire & Security Inc., Alpha Sprinkler Corporation, South Shore Elevator Co., Inc. and Cooling Unlimited Inc. to provide inspection and maintenance services for the period of one year at the Senior Center commencing in July 2008 when the current warranties expire.

Use of Sewer Betterment Interest Surplus: Mr. Zubricki reported that he has been exploring methods of projecting and tracking the existence of a sewer betterment interest surplus. A possible surplus can be affected by a large number of variables and he

cautioned using a perceived surplus to fund other projects. He advised careful monitoring and a thorough review, perhaps by the auditors, at the end of FY 2008 before using the money.

Continued Review of Shellfish Regulations: Mr. Zubricki said that the regulations have now been reviewed by Town Counsel and distributed a redlined draft for the Selectmen's consideration. The Selectmen asked that copies be forwarded to the Shellfish Advisory Commission for their timely comments before the regulations become finalized.

Draft Annual Town Meeting Warrant: Mr. Zubricki reviewed the latest draft of the warrant for the upcoming Annual Town Meeting.

Shannon Grant Memorandum of Understanding: Mr. Zubricki said that Town Counsel had reviewed various points of the Grant with him. Under the Grant, police personnel would be lent to other communities to conduct anti-gang and other risky exercises. While in the other communities, the employees would be reporting to the officials there and following their directions. However, if any mishaps were to occur during that time, Essex would be liable. Town Counsel has suggested weighing the cost benefit of the Grant against the risks. The Selectmen were not in favor of going forward with the grant and asked Mr. Zubricki to convey their concerns to Chief Silva.

Homeland Security Emergency Supplies Grant: A motion was made, seconded, and unanimously Voted to ratify the Chairman's signature on the Homeland Security Emergency Supplies Grant acceptance form.

Mr. Zubricki reported that the Manchester Essex Rotary Club is donating a new sign to be erected in front of the Town Hall that will announce scheduled Town events. There is a ceremony planned for Saturday, March 1st that will be attended by various dignitaries. Selectman Randall and Chairman Lynch will attend. The Selectmen's Assistant was asked to send a reminder of the event to the Selectmen.

Selectman Jones asked the Assistant to reserve the Senior Center and post a meeting for the Playing Fields Committee on Tuesday, March 18th at 7:30 p.m.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$506,543.38.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the February 11th, 2008 Selectmen's Open Meeting and the Executive Session for February 11th, 2008.

Mr. Zubricki reported that a CORI check for Mr. Symmes was fine. A motion was made, seconded, and unanimously Voted to approve the appointment of Thayne Symmes to the Council on Aging. The Selectmen signed the appointment card.

It was brought to the attention of the Selectmen that there needs to be a designated jack-of-all-trades to help with Centennial Grove rentals. The Selectmen suggested that Mr. Zubricki ask the Department of Public Works Superintendent if he would be willing to hire or share an extra summer person who could be paid an hourly wage from the Grove Revolving Fund. This person could help with maintenance, assemble the new picnic tables, move the tables for events, etc. A couple who is renting the Grove for their wedding this June has asked that a hole in the Pavilion wall be repaired and wondered if it would be OK if they removed some random blue paint in the pavilion. Mr. Zubricki suggested that JR from JR's Route 22 might donate the repair of the hole. The couple has also asked for permission to place two recreation vehicles at the Grove to be used for bathroom facilities and changing. The Selectmen agreed that the vehicles could be placed by the Concession Stand and that there is a hose there to get water. The Selectmen's Assistant was asked to make sure that the couple is aware that they are only renting the Grove and that there may be teams using the ball fields that day.

A motion was made, seconded, and unanimously Voted to approve the receipt of \$300.00 by the T.O.H.P. Library from the Attorney General as the result of the Compact Disc Litigation Settlement. The Selectmen signed the acceptance form.

The Selectmen reviewed two letters regarding non-payment of Real Estate taxes for the first three quarters of 2008 owed on land leased at Conomo Point. Chairman Lynch signed the letters.

A motion was made, seconded, and unanimously Voted to approve a line item transfer in the amount of \$5,000 from Workmen's Compensation Insurance to Town Hall Heating Fuel.

A motion was made, seconded, and unanimously Voted to grant the following licenses and permits:

Licensing Board:

Auction permit:

- Richard A. DiFillipo, d/b/a R.A. DiFillipo Auctions for use on Tuesday, March 25, 2008, between the hours of 8:30 a.m. and 10:30 p.m. within the confines of 125 Main Street.

Commercial Clamming Permits:

Julian Balili	Robert Fitzgerald, Jr.	Charles McNeil
Artan Bila	Stephen F. Hartley	Shepherd D. Means
Sheila Carter	James M. Haskell	Bruce Mello
David Earl	Edward G. Lane	William M. Pascucci
Sefton Earl	Elizabeth Lane	Scott E. Reed
James Fitzgerald	Matthew E. Lane	Richard Tofuri
Robert Fitzgerald	Michael T. Lane	Todd Vickery
James Fitzgerald, Jr.	Brian Loebelenz	

Senior Clamming Permit:
George E. Lane

Student Clamming Permit:
Craig C. Carter Michael Fitzgerald Kevin Tofuri
Kevin A. Carter Michael Loebelenz Erik Walder
Nicholas Congdon Bryan Reed

The Selectmen were reminded of the following scheduled events:

- There will be a collective bargaining session with the Teamsters at the Senior Center on Tuesday, February 26th at 7:30 a.m.
- The School Committee will meet at 4:00 p.m. on Tuesday, February 26th in Room 25 of the Manchester Essex Regional High School.
- The Long Term Planning Committee will be meeting at the Senior Center at 7:30 p.m. on Tuesday, February 26th.
- The School Committee will meet at 7:30 p.m. on Tuesday, March 4th in the Library at the Manchester Essex Regional High School.
- The Conservation Commission will meet at 7:30 p.m. on Tuesday, March 4th in the T.O.H.P. Burnham Public Library.
- The Planning Board is holding a public hearing regarding the proposed agricultural/residential district overlay at 7:30 p.m. on Wednesday, March 5th in the Essex Elementary School.
- The next Board of Selectmen's meeting is on Monday, March 10th in the T.O.H.P. Burnham Library at 7:00 p.m.
- The School Building Committee will meet at 7:00 p.m. on Monday, March 10th in Room 25 at the Manchester Essex Regional High School.

Citing the need to discuss matters relative to collective bargaining and possible litigation on another matter, Chairman Lynch entertained a motion for the Board to move to Executive Session. He said that the Board would not be returning to Open Session and asked Town Administrator Brendhan Zubricki to attend. Gloucester Daily Times Reporter Patrick Anderson and one other spectator left the Library. The motion was moved, seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session at 8:00 p.m.

The Board returned to Open Session at 8:40 p.m.

There being no further 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.