

Present: Chairman A. Raymond Randall, Jr., Selectman Mark W. Lynch, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Gloucester Daily Times Reporter Mike Farrell, Mr. & Mrs. John Goldsberry, Karen Leeds, Lisa Randall, Andrew Randall, Francis Burnham, and Ted Marshall.

The Chairman called the meeting to order at 7:05 p.m. in the Senior Center on Pickering Street and announced that the Board would hear Public Comment. Francis Burnham, a former resident of Essex, came before the Selectmen and gave them copies of a draft letter that he had prepared for the Selectmen to sign and send to Town Counsel, Kopelman and Paige, requesting a refund of \$87,000. The Selectmen thanked Mr. Burnham and he left the meeting.

Karen Leeds appeared before Chairman Randall and Selectman Lynch and said that she would like to sell used items from the house where she plans to live at 15 Story Street. The items for sale will consist of items on consignment and items that she has accumulated. She asked if a Flea Market License would allow her to do that. After some discussion, the Selectmen advised her to talk to the Building Inspector about her plans and to ask him how the home occupation bylaws may apply to her proposed business. Ms. Leeds left the meeting.

Ted Marshall came before the Selectmen to inform them that there has been a change of trustee on his mother's trust, the Betty Crossen Trust of January 28, 1999, which holds a lease for 142 Conomo Point Road at Conomo Point (Map 24, Lot 36). Selectman Jones joined the Selectmen's meeting and said that he no longer has a conflict of interest regarding Conomo Point. Mr. Marshall presented documents attesting to the replacement of the trustee for his mother's trust and asked to Selectmen to approve an amendment to the lease. The Selectmen reminded Mr. Marshall that all the Conomo Point leases will be expiring in the year 2011 based upon Town Meeting votes taken to date. Mr. Marshall said that he was aware of the expiration date. A motion was made, seconded, and unanimously Voted to approve the replacement of Stanley Finkelstein, Trustee, with Edward A. Marshall III, Trustee, to the lease held by the Betty Crossen Trust of January 28, 1999, for the property shown on Assessors' Map 24, as Lot 36.

Mr. Marshall said that the Harbormaster/Chief of Police has asked him to help place about 24 new moorings in the river. However, due to a recent injury, Mr. Marshall now has his arm in a cast. He wanted the Selectmen to know that he was willing to help as much as he can with the project. Mr. Marshall left the meeting.

Chairman Randall recused himself from the proceedings and left the room. Lisa Randall and her son, Andrew, came before Selectman Lynch and Selectman Jones. Mrs. Randall said that her son would like to ask the Selectmen to waive the application deadline for a student clamming license. Andrew explained that he had been injured and unable to apply for a license during the usual application period. A motion was made, seconded, and unanimously Voted to waive the deadline for Andrew. The Selectmen advised him to get

an application from the Town Clerk and said they would sign the application if he returned to their meeting this evening. Mrs. Randall and Andrew left the meeting and Chairman Randall returned to the meeting room.

Jean and John Goldsberry appeared before the Selectmen to request that their leases for property at Conomo Point (Map 24, Lots 22, 23, & 33) be amended to include both daughters: Joan Goldsberry Woodward and Amy Goldsberry Robinson. The Selectmen reminded the Goldsberrys that their leases will be expiring in 2011 and will not be renewed based upon Town Meeting votes taken to date. The Goldsberrys acknowledged that they were aware of the expiration. A motion was made, seconded, and unanimously Voted to approve the addition of Joan Goldsberry Woodward and Amy Goldsberry Robinson to the leases for the properties shown on Assessors' Map 24, as Lots 22, 23, and 33. The Selectmen signed the request. Mr. and Mrs. Goldsberry thanked the Selectmen and left the meeting.

Brendhan Zubricki presented his Town Administrator's Report for the period covering June 28th through July 11th, 2008 regarding the following items:

Trench Permitting Authority Program: Mr. Zubricki reported that the Massachusetts Municipal Association has been trying to meet with the Department of Public Safety to get them to modify their regulations requiring Massachusetts cities and towns to appoint a trench permitting authority, but the MMA has had no success to date. Therefore, it is unlikely that the law will be changed before the regulations go into effect in January 2009. The Permitting Authority will issue permits (for a fee) to applicants wishing to do trench excavations, perform any administrative requirements, and investigate any situations for which complaints are received arising from unsafe conditions. The Selectmen asked Mr. Zubricki to research compliance methods that other towns are considering. This information will help the Selectmen to make the appropriate choice for a Trench Permitting Authority.

Marine Oil Spill Response Trailer: The Department of Environmental Protection will be providing the Town with the use of a new marine oil spill response trailer which will be owned, maintained, and restocked by the DEP. The Fire Department has requested that the Selectmen approve the contract with the DEP for the trailer which will be stored behind the Fire Station. A motion was made, seconded, and unanimously Voted to approve the Standard Contract Form for the Marine Oil Spill Response Trailer with the DEP.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign an FY 2008 warrant in the amount of \$23,741.16 and an FY 2009 warrant in the amount of \$71,129.72.

Members of the Planning Board: Chairperson Kim Drake, Scottie Robinson, Jason Heath, Juergen Dietrichson, and Andrew St. John, as well as interested resident, Michael Cataldo, appeared before the Selectmen to discuss how a city/town planner may help with the needs of the Town.

Chairman Randall announced that he had made arrangements to have Mark Bobrowski available by telephone for the discussion. Mr. Bobrowski is a professional planner who is

highly regarded in his field. In addition to teaching and writing, he is currently reviewing the Town of Wenham's Bylaws. The Planning Board felt that it was premature to have a discussion with Mr. Bobrowski at this time.

A handout illustrating the opportunities for planning in the Town and listing how those needs could be filled by a planner was distributed by Scottie Robinson. The Planning Board said that they would like to discuss the advantages of employing a weekly part-time planning person versus employing a consultant on a project-by-project basis. They have been working with the firm of Horsley and Whitten for the past few years and feel comfortable with their working relationship.

Chairman Randall said that Manchester would also like to employ a part-time planner and has asked about exploring the possibility of sharing one with Essex. It was agreed that he would talk to Sue Thorne and arrange a joint meeting of the Manchester and Essex Select Boards and Planning Boards to discuss the sharing and funding of a city/town planner. The Planning Board agreed to work on a job description for the position in Essex.

The Planning Board stated that there have been several comprehensive reviews of the town bylaws over the past years. They said that they would prepare a one-page list of the priorities for the Selectmen's review. It takes a long time and a lot of work to correct the inadequacies in the bylaws and the Planning Board has been attempting to correct a few each year.

The Planning Board was aware that Mr. Zubricki was procuring a laptop computer for their clerk and wondered about the possibility of being able to use a wireless network connection during their meetings at various locations in Essex. Mr. Zubricki explained that he could not offer any wireless connectivity to the general public, but would be able to provide wireless access for the clerk.

The Planning Board members and Mr. Cataldo left the meeting.

Continuing with other business, a motion was made, seconded, and unanimously Voted to approve and sign the minutes for the June 30, 2008 Selectmen's Open Meeting.

A motion was made, seconded, and unanimously Voted to approve the appointments of Nicholas Ouellette, Michael Soucy, and Ivan Muise to the Essex Fire Department.

A motion was made, seconded, and unanimously Voted to approve the assignment of the Conomo Point leases currently in the name of Janet P. Davis to the Janet P. Davis Irrevocable Trust, Janet P. Davis, Trustee (Map 19, Lot 82 and Map 24, Lots 25 and 43).

A motion was made, seconded, and unanimously Voted to approve a request from the Billerica Elks Club to pass over Essex roads during their charity ride for Pulmonary Fibrosis on Saturday, August 16, 2008.

Mr. Zubricki reported that the Board of Public Works has received bids to provide paving services to the Town for certain designated projects this year. The funding for this project will come from Chapter 90 funds being received by the Town. However, the Board is still

discussing the bids that were received and is not ready to announce a winner. A motion was made, seconded, and unanimously Voted to approve and sign the contract once the BPW has made a decision regarding the award of the contract.

Acting in their capacity as Licensing Board for the Town, a motion was made, seconded, and unanimously Voted to grant the following permits and licenses:

One-Day Auction Permit:

- Michael March, d/b/a Blackwood March Antiques, for use on Wednesday, August 6th, 2008, between the hours of 4:00 and 11:00 p.m. within the confines of 125 Main Street.

One-Day Wine and Malt License:

- Lawrence D. Woodman, Woodman's Inc. for use on Friday, July 18th, 2008 between the hours of 5:00 and 10:00 p.m. within the confines of 125 Main Street.
- Lawrence D. Woodman, Woodman's Inc. for use on Tuesday, August 5th, 2008 between the hours of 12:00 noon and 10:00 p.m. within the confines of 125 Main Street.
- Lawrence D. Woodman, Woodman's Inc. for use on Wednesday, August 6th, 2008 between the hours of 5:00 and 9:00 p.m. within the confines of 125 Main Street.
- Lawrence D. Woodman, Woodman's Inc. for use on Friday, August 8th, 2008 between the hours of 5:00 and 10:00 p.m. within the confines of 125 Main Street.
- Lawrence D. Woodman, Woodman's Inc. for use on Tuesday, August 12th, 2008 between the hours of 5:00 and 10:00 p.m. within the confines of 125 Main Street.

The Selectmen were reminded that the next Board of Selectmen's meeting will take place on Monday, July 28th, 2008 at 7:00 p.m. in the T.O.H.P. Burnham Public Library.

At 8:45, citing the need to discuss strategy with respect to litigation regarding the Gloucester Sewer Billing, 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 Session. Gloucester Reporter Mike Farrell left the meeting. The motion was moved and seconded and per a unanimous Roll Call Vote the Board moved to Executive Session.

The Board returned to Open Session at 9:00 p.m.

Mr. Zubricki said that the Eagle's Nest Playground by the Story Street School was in need of repair and that there has been discussion regarding whether it will be maintained by the School District or a private group such as the PTO. The Board agreed that the District is responsible for the playground pursuant to the School Lease Agreement. The District is free to partner with the PTO if that is desired.

Mr. Zubricki updated the Board regarding the School District's upcoming borrowing needs for the school construction project. The Board agreed that the next short-term note should be for one year with debt service to be budgeted in FY 2010.

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: _____
Jeffrey D. Jones