

Present: Chairman A. Raymond Randall, Jr., Selectman Mark W. Lynch, Town Administrator Brendhan Zubricki, and Selectmen's Assistant Pamela J. Witham

At 7:00 p.m., Chairman Lynch called the meeting to order in the T.O.H.P. Burnham Public Library and announced that the Board would hear Public Comment. There was no public comment.

Brendhan Zubricki presented his Town Administrator's Report for the period covering August 9th through August 22nd, 2008, regarding the following items:

Shellfish Constable Site Visit: Mr. Zubricki reported that the Selectmen had spent last Friday with the Shellfish Warden in the field obtaining first-hand knowledge about the challenges of enforcing the Town's Shellfish Regulations. Mr. Zubricki presented some suggestions offered by Chairman Randall after the day trip:

- The purchase of a second set of scales would allow the Warden and the Deputy Warden to check clam harvests at two different checkpoints simultaneously. The Selectmen asked Mr. Zubricki to look into procuring a second set.
- Chairman Randall said there are seven places available in town for clambers to launch/haul their boats and although he would like those sites somehow limited to only two, he acknowledged that parking problems would prevent that.
- When the flats are closed for prolonged periods, the population of clams that are too large to dig increases and the population of clams in the acceptable range decreases. The Selectmen wondered if they should consider drafting an amendment to the shellfish bylaws that would allow for greater quotas when there has been a prolonged closure of the flats due to red tide or other circumstances.
- Chairman Randall suggested rotating the clam flats that are open to optimize shellfish production.
- Chairman Randall is also interested in the Town talking a more pro-active participation in seeding the clam flats.
- Mr. Zubricki was asked to contact an expert from Salem State, Dr. Mark Fregeau, to schedule another meeting with the Selectmen to offer advice and information about maximizing shellfish production on the town's flats.

Chairman Randall said that the Shellfish Advisory Commission should be consulted and included in any discussions.

The Shellfish Warden's boat is still not performing as expected. The boat is extremely slow and it will not plane in the water, even when someone is seated in the bow. Selectman Lynch suggested taking the boat back to the Essex Marina and asking Tim Shanks to ride in the boat so he can experience how the boat performs in the water. Selectman Lynch agreed to speak with Mr. Shanks.

It was noted that the Shellfish Warden is now recording the hours he works, the areas he monitors, and the people he encounters in his daily journal report to the Selectmen. Mr. Zubricki will ask for copies of the latest entries.

Personnel Board Meeting: Mr. Zubricki reminded the Selectmen that before the Town can hire a professional city/town planner as a full- or part-time employee, the Personnel Board needs to approve an official job description and the wage and salary scale needs to be amended to include the position. The Selectmen agreed that they are only interested in utilizing a planner on a consulting basis for the present while they continue to explore the concept of sharing one with Manchester. The Planning Board is currently working on a draft of a job description for the planner.

Investigation of Town Hall Chimney Interior: Mr. Zubricki said that the town's heating service had found three bricks at the bottom of the chimney used by the Town Hall's boiler. It is suspected that the bricks are from the top of the chimney and that the chimney is still safe to use. The camera that belongs to the Fire Department is an infrared camera and would not be useful in viewing the chimney's interior. The Selectmen asked Mr. Zubricki to contract a qualified company to inspect the chimney's interior and make recommendations as to whether or not any repairs are needed to ensure safe operation. Mr. Zubricki said he has asked the contractor that recently performed roof repairs on the Town Hall, Campbell Construction, to suggest a company.

Review of Verizon and Comcast Infrastructure: Mr. Zubricki reported that he has been working with Jeremy from Representative Verga's office regarding requests to National Grid, Verizon, and Comcast for upgrades in their equipment in Town and the services they offer (such as FIOS), in addition to improving the appearance of the equipment (removing broken telephone poles, etc.). Any changes that are made will have to be coordinated with Mass Highway's Route 133 Reconstruction Project. The Selectmen asked Mr. Zubricki to set up a meeting with Essex legislators and the utilities in October.

Future Joint Meeting with Youth Commission and Finance Committee: The Selectmen would like a joint meeting of the Essex Youth Commission and the Finance Committee in the near future to discuss the status of this year's budget. However, a report is needed from the Town Accountant before any discussions can take place. Mr. Zubricki was asked to have the Town Accountant prepare a chart comparing Youth Commission revenue with Youth Commission expenses using the Summer Program season as a snapshot in time. The Town Accountant will also need to certify Youth Commission Free Cash. An article may need to be added to the Warrant for a proposed Special Town Meeting in November that would seek to appropriate some amount of Youth Commission Free Cash to cover any shortfalls in their operating expenses. It is hoped that the information will be available in time to have the joint discussion at the September 22nd Board of Selectmen's meeting. The Selectmen asked Mr. Zubricki to provide them with an old Town Counsel memo that discussed additional options for Youth Commission monetary operations.

Interest in the Seaport Bond Bill: Mr. Zubricki presented a map showing the "downtown" area of the Essex River and indicated three areas where it may be possible to have additional facilities for public docks and/or tie-ups for boats: Woodman's beach, the area over by the Town Landing and Periwinkles, and the seawall area between

Perkins Marine and the Riverside Restaurant. The Selectmen indicated interest in Woodman's beach and the space by the seawall. The Selectmen said they were in favor of Mr. Zubricki preparing the Seaport Project Review Form to request money for a feasibility study and the reconstruction of the two areas to allow increased public access from the riverfront to the downtown area.

Selectman Lynch asked Mr. Zubricki to investigate whether the mouth of the Essex River at low tide has been declared by the Coast Guard as un-navigable. Senator Tarr's office has been working on the possibility of having the State dredge the Essex River again as part of a previous maintenance agreement and the Selectmen also asked Mr. Zubricki to check on the progress of that project.

Solar Challenge: It has recently come to the attention of the Board that the Town of Sharon has enrolled in a Solar Challenge Program that leverages the funds that are contributed to the town's Clean Energy Choice Fund. Mr. Zubricki has been researching how Essex might also enroll in the same program. He has heard back from Massachusetts Technology Collaborative, the program coordinator, that the program has been put on hold for the time being. Mr. Zubricki will continue to monitor the status of the program and keep the Selectmen informed.

Final Closeout of Senior Center Grant: The Grant Administrator for the Senior Center Grant has informed Mr. Zubricki that it is now necessary to certify to the Department of Housing and Community Development that the grant was successfully audited and that Chairman has approved the final Quarterly Report. A motion was made, seconded, and unanimously Voted to approve and sign the two letters to the DHCD so certifying.

At 7:30 p.m., Chairman Randall entertained a motion to open a public hearing to investigate a complaint filed by Jay Ramsey against two small white dogs owned by David Peterson. The motion was moved, seconded, and unanimously Voted.

Present were Mr. Peterson and his daughter and Mr. Ramsey and his attorney.

Chairman Randall asked all those present who planned on speaking at the hearing to raise their right hand and to 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. Mr. Peterson and Mr. Ramsey so swore.

On August 4th, 13-year old Morgan Ramsey was walking on Pine Ridge Road when she was attacked by two small white dogs nipping at her ankles. A Peterson daughter appeared, got the two dogs, and took them inside the house.

Mr. Ramsey's attorney said that they are now aware that Mr. Peterson has installed an electric fence in his yard and is in the process of training his dogs to the fence. As a result, he said that Mr. Ramsey would like to drop the charges against the Peterson dogs. The Chairman asked if that was acceptable to everyone present and it was. A motion was made, seconded, and unanimously Voted to close the hearing. A motion was made,

seconded, and unanimously Voted to close the proceedings against the Peterson dogs. Mr. Ramsey, his attorney, Mr. Peterson, and Mr. Peterson's daughter left the meeting.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$540,935.55.

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

A motion was made, seconded, and unanimously Voted to approve the signature by the Chairman of the Board on the United Nations Day Proclamation for October 24th, 2008.

The Selectmen said that they would like to meet with Rick Sullivan of the Department of Conservation and Recreation, Senator Tarr, Representative Verga, Bud Wendell, and Rolf Madsen to discuss the historical significance of Conomo Point. Mr. Zubricki said that he would try to schedule the meeting for September 8th, but that it may have to be scheduled for October due to the Senator's and the Representative's busy schedules.

Mr. Zubricki reported that a Conomo Point resident has requested additional street signage at the Point. Recently, the Board of Public Works has repaved a portion of Conomo Point Road at the Point and the resident feels that stop signs and speed limit signs are now needed. The Selectmen agreed to discuss the matter with the Superintendent of Public Works and the Chief of Police as well as speed limit signs for County Road and Belcher Street. Mr. Zubricki will inform the Superintendent and the Chief.

Mr. Zubricki updated the Selectmen on the progress of the Route 133 Reconstruction Project. He said that night work will only be allowed when they are working on the seawall. There will be one sidewalk open at all times during the reconstruction. They have asked to post Apple Street as a detour route during the reconstruction. After some discussion, the Selectmen asked Mr. Zubricki to inform Mass Highway that they do not want Apple Street designated as a detour route since it is unsuitable and unsafe for truck traffic and even for high volumes of passenger vehicle traffic.

Mr. Zubricki said that he has recently reviewed the Town's Insurance Umbrella which covers losses above the limits of individual policies. The umbrella is currently at two million dollars, but for about \$918 per year the coverage could be increased to five million dollars. A motion was made, seconded, and unanimously Voted to increase the coverage to five million dollars.

A motion was made, seconded, and unanimously Voted to grant permission to the Floating Hospital for Children at Tufts Medical Center to allow cyclists to pass over Essex roads in the Cycle for Life annual benefit ride on Saturday, September 6, 2008.

A motion was made, seconded, and unanimously Voted to grant permission to the Cure for Cleavage Committee to allow motorcyclists to pass over Essex roads in the Breast Cancer Fundraising Motorcycle ride on September 28, 2008.

A motion was made, seconded, and unanimously Voted to sign two thank-you letters to Martha Hoar and LynnAnne Hagar acknowledging their past service on the Open Space Committee and the Youth Commission, respectively.

Mr. Zubricki said that the Youth Commission has requested the ability to accept credit cards for payment of the fees charged for Youth programs. Mr. Zubricki has been in contact with the Town's website provider to see if they could provide that service. The provider does not offer credit card service, but will provide a link on the Town's website to a third party vendor. The Town has not accepted credit cards in the past because of the liability issue. Mr. Zubricki said that Kopelman and Paige will more that likely be issuing a memorandum to municipal clients in the near future discussing the liability and risk issues involved. It was mentioned that Manchester accepts credit cards for various payments and Mr. Zubricki agreed to contact Manchester for their views on the matter.

Mr. Zubricki reported that the School Committee representatives will not be able to meet with the Selectmen on September 8th for a school update. The Selectmen asked Mr. Zubricki to schedule a meeting in October.

Massachusetts Municipal Association is sponsoring a Statewide Essay Contest for 6th Graders. The Selectmen would like the Town to participate in the contest and Mr. Zubricki will ask Mr. Gordon at the Elementary School if the school is interested.

A motion was made, seconded, and unanimously Voted to grant the request for a One-Day Wine and Malt License to Woodman's, Inc., Lawrence D. Woodman, manager, for use on Friday, September 19th, 2008, between the hours of 12:00 noon and 10:00 p.m. within the confines of 125 R Main Street.

The Selectmen were reminded that the Essex Division of the Cape Ann Chamber of Commerce will meet on Tuesday, August 26, 2008, at 8:00 a.m. at the Cape Ann Golf Course. Chairman Randall and Mr. Zubricki will attend.

The Cape Ann Breakfast Club will meet on Friday, September 5 at 7:30 a.m. at Cruiseport Gloucester. The program will feature a debate between the candidates for the office of Fifth Essex District State Representative. Selectman Lynch and Town Administrator Zubricki will attend.

The Long Term Planning Committee will be meeting on Tuesday, August 26th, 2008, at 7:00 p.m. at the Senior Center.

The next Board of Selectmen's meeting will take place at 7:00 p.m. on Monday, September 8th in the T.O.H.P. Burnham Public Library.

The Essex Clamfest is scheduled for Saturday, October 25th, 2008 from 11:00 a.m. to 4:00 p.m. at Memorial Park.

The Selectmen reviewed a letter of resignation from Britta Karlberg and a motion was made, seconded, and unanimously Voted to accept her resignation from the Essex Historical Commission. The Selectmen asked that a thank-you letter be prepared.

The Selectmen asked Mr. Zubricki to alert the Chief of Police to the possibility of the State Sheriff's Office providing a lock-up facility, as well as a cover car during transportation, and other lock-up related services at no cost to the Town.

The next round table discussion between the School District and the Town is scheduled for September 17th. The Selectmen asked Mr. Zubricki to ask the Youth Commission Chairperson to attend.

At 8:20 p.m., citing the need to discuss collective bargaining, the transfer of 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 Planning Board Chairperson Kimberly Drake and Town Administrator Brendhan Zubricki to attend. The motion was made, seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 9:05 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: _____
Mark W. Lynch