

Present: Chairman A. Raymond Randall, Jr., Selectman Mark W. Lynch, Selectman Jeffrey D. Jones, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Gloucester Times Reporter Amanda Flitter, Merchants' Group Representative Robert Coviello, Finance Committee Chairman Jeffrey Soulard, Youth Director Marilyn Klypka-Simpson, and Planning Board member Bill Holton.

Chairman Randall 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. Francis Burnham, a one-time resident of Essex, but now a resident of Salem, appeared before the Selectmen and gave them a petition regarding William Allen of Southern Avenue. He asked the Selectmen to review the petition and left the meeting.

A motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$57,471.03.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the September 22<sup>nd</sup>, 2008, Selectmen's Open Meeting. A motion was also made, seconded, and unanimously Voted to approve and sign the minutes for the September 22<sup>nd</sup>, 2008, Selectmen's Executive Session.

A motion was made, seconded, and unanimously Voted to approve and sign the FY2008 Annual Report from the Council on Aging to the Executive Office of Elder Affairs.

A motion was made, seconded, and unanimously Voted to approve a Pledge of License request by Greenbow Corp., d/b/a Tom Shea's, David Brown, Manager, at 122 Main Street.

Sharon and Michael Tardie appeared before the Selectmen to request that the Selectmen approve a transfer of the lease for the property at 10 Robbin's Island Road (Map 19, Lot 61) from Mr. & Mrs. Darrow and their daughter to the Tardies. The Tardies have grown up on Robbin's Island and are fifth generation lessees. Mr. and Mrs. Darrow and their daughter had submitted letters to the Selectmen requesting a new lease for the property in the Tardies' name. The Selectmen said that they could not issue a new lease for the property, but that they could approve a transfer of the existing lease to the Tardies who are purchasing the property from the Darrows. The Selectmen reminded the Tardies that the lease will expire in 2011 and that the Town has voted not to renew any of the leases at Conomo Point. After a discussion, a motion was made, seconded, and unanimously Voted to approve the lease transfer to the Tardies contingent upon receiving a new letter from the Darrows nullifying their request for a new lease and instead requesting that their current lease be assigned to the Tardies. Mrs. Tardie said she would inform Mrs. Darrow of the Selectmen's decision. The Tardies thanked the Selectmen and left the meeting.

A motion was made, seconded, and unanimously Voted to approve and sign the FY 2009 Community Policing Grant Application in the amount of \$11,299.00 as recommended by the Police Department.

Senator Bruce Tarr, Verizon representative Stanley Usovicz, and National Grid representatives Mark Piccarini and Kevin Kelly appeared before the Selectmen to discuss

ways to improve the appearance of the utility wires and poles on the causeway in connection with the Route 133 Reconstruction Project. It was agreed that the cost of approximately \$3,000,000 to put the electrical wires underground, plus another \$3,000,000 for the telephone wires is not affordable. The National Grid representative said that they would be willing to remove or replace broken, tilted, and unnecessary poles and upgrade the service with new wires and equipment. It is anticipated that Mass Highway will begin work on the seawall in December and work on the rest of the project will commence in the Spring of 2009. The appearance of the causeway is very important for the continued success of local businesses. Robert Coviello said that the Essex Merchants' Group would like to see a pole-by-pole analysis of the causeway and possibly a drawing that would depict the final design. National Grid and Verizon agreed to prepare the analysis and to keep Town Administrator Zubricki informed of their progress. They expect that the analysis will take approximately one month to complete. National Grid has been working with Mass Highway to coordinate their efforts during the reconstruction project. Robert Coviello, National Grid, and Verizon left the meeting.

The Selectmen asked Senator Tarr to speak about the current financial trends in the economy. Senator Tarr presented an update on the revenue that Essex could expect to receive from the State. He said that the capital gains tax, the sales tax, and perhaps the income tax may have to be changed. However, they hope to keep local aid at its present level, which is already reduced from prior years.

On another matter, Senator Tarr said that he had met with Ed Perkins, the owner of Perkins Marina, last week to discuss dredging and its impact on the Town. Senator Tarr would like to create a regional sand management plan and is looking for one representative from each community to serve on a committee to formulate the plan. He hopes to establish a regular maintenance dredging schedule with the Federal government. There are many beaches in the area that are in need of sand restoration and perhaps the beaches could be restored with the dredged sand. Senator Tarr praised Mr. Zubricki for his efforts to initiate and coordinate the discussion about dredging between State and local officials.

The Selectmen thanked Senator Tarr for his insight and he left the meeting.

Board of Health Chair Lynn Marchetti appeared before the Board to discuss rewording of the Board of Health Article 16 on the Warrant for the proposed Special Town Meeting on November 3<sup>rd</sup>, 2008. Ms. Marchetti wanted to broaden the scope of the article. The Selectmen said that at this time they are not in favor of rewording the article. It is possible for the Town Accountant to set up a special gift account to receive donations for the Board of Health which could be spent at the discretion of the Board of Health. Ms. Marchetti thanked the Selectmen and left the meeting.

Building Inspector Bill Sanborn, Wally Bruce, Stephan Gersh, and B.J. Frye from the Conservation Commission and Kim Drake, Andrew St. John, and Jason Heath from the Planning Board joined the others present for a joint meeting to talk about the coordination and integration of boards and committees when dealing with projects requiring permits from the Town. The group discussed ways to deal with multiple sets of plans. It was agreed that each board will stamp the plan that they are approving. At the end of the process, the approved set of plans will have been stamped by all the boards and then the

permit will be issued. If the plan is changed at some point during the approval process, the applicant then has to go back and seek approval from all the previous boards and committees. Chairman Randall recommended regular communication between boards by cell phone or email during the permitting process. Finance Committee Chairman Soulard suggested utilizing the Town's website to post project documents so that they could be reviewed by all parties. It was also suggested that the groups have regular joint meetings to share updates and coordinate efforts. An alternative would be to designate a representative from each board to attend the meetings of other boards. The discussion ended and Bill Sanborn, Bill Holton, Jason Heath, Kim Drake, Andrew St. John, Wally Bruce, Stephan Gersh, and B.J. Frye left the meeting.

In other business, the Chairman read a letter from the Manchester-by-the-Sea Police Department thanking Sergeant Francis for his help during a recent incident in Manchester.

Town Clerk Sally Soucy joined the meeting and a motion was made, seconded, and unanimously Voted to approve and sign the State 911 Department Training Grant for the Police Department. The Town Clerk witnessed the signature of the document and left the meeting.

The Chairman read Tricia Soulard's letter of resignation from the Youth Commission and signed a thank-you letter to her.

Brendhan Zubricki presented his Town Administrator's Report for the period covering September 20<sup>th</sup> through October 3<sup>rd</sup>, 2008, regarding the following items:

Regional Dredging Plan: A motion was made, seconded, and unanimously Voted to appoint Mr. Zubricki as the Town's representative to a meeting on November 10<sup>th</sup> that will discuss a proposal headed by Mr. Kevin Mooney of the Department of Recreation and Conservation to develop a Regional Dredging Plan. Representatives of the communities from Salisbury to Gloucester will attend.

Potential Reassignment of Grant Funding for Planning Coordinator: Mr. Zubricki reported that he has been informed by the Cape Ann Emergency Planning Team that they no longer are in need of reassigning a host community to administer grant funding.

Special Town Meeting Warrant: Mr. Zubricki reviewed the latest draft of the proposed warrant for the Special Town Meeting on November 3<sup>rd</sup> based on the changes suggested at the last meeting. The draft also includes a new petition article regarding funding of the Youth Commission.

A motion was made, seconded, and unanimously Voted to hold a Special Town Meeting on Monday, November 3<sup>rd</sup>, 2008, beginning at 7:30 p.m. at the Essex Elementary School on Story Street in Essex.

A motion was made, seconded, and unanimously Voted to open the warrant for the STM on November 3<sup>rd</sup>, 2008.

A motion was made, seconded, and unanimously Voted to include the articles as they appear on the draft warrant dated October 6, 2008, which is attached hereto.

A motion was made, seconded, and unanimously Voted to close the warrant.

A motion was made, seconded, and unanimously Voted to sign the warrant.

The Selectmen were informed that the next Board of Selectmen's meeting will take place at 7:00 p.m. on Monday, October 20<sup>th</sup> in the Library.

The Essex Clamfest will take place on Saturday, October 25<sup>th</sup>, 2008 from 11:00 a.m. to 4:00 p.m. at Memorial Park behind the Fire Station in Essex.

At 9:55 p.m., citing the need to discuss strategy concerning litigation, the Chairman entertained a motion to move to Executive Session. He said that the Board would be returning to Open Session and invited Town Administrator Brendhan Zubricki to attend. Jeffrey Soulard, Marilyn Klypka-Simpson, and Amanda Flitter left the meeting. The motion was moved, seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 10:15 p.m.

As an additional matter, Mr. Zubricki reported that it had come to his attention that a member of the Council on Aging has been using his own vehicle to transport seniors to various places and charging the Town for mileage compensation for the trips. Mr. Zubricki showed the Selectmen a new voucher that was submitted for payment for the month of September. Chairman Randall said he had informed the person in August that that practice was not permissible and should cease. It was agreed that the voucher would be returned without payment with a letter mentioning Chairman Randall's previous admonition and restating that mileage would not be reimbursed regarding the transportation of seniors.

There being no other business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 10:20 p.m.

Prepared by: \_\_\_\_\_  
Pamela J. Witham

Attested by: \_\_\_\_\_  
Jeffrey D. Jones

2008  
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 3, 2008 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 raise and appropriate, transfer from available funds, or borrow a sum of money for the funding of a consultant to implement a subdivision planning process at Conomo Point pursuant to Article 14 of the Annual Town Meeting held May 5, 2008 and the Town's Request for Proposals for those services dated August 25, 2008, reporting to the Board of Selectmen; or take any other action relating thereto.

ARTICLE 2

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 a consultant to provide general planning services to the Town, reporting to the Board of Selectmen; or take any other action relating thereto.

ARTICLE 3

To see if the Town will vote to amend the vote taken under Article 10 of the May 5, 2008 Annual Town Meeting by reducing the fiscal year 2009 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 4

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 new floats and associated equipment and supplies for the refurbishment of existing floats for use at the Centennial Grove; or take any other action relating thereto.

ARTICLE 5

To see if the Town will vote to amend the vote taken under Article 9 of the May 5, 2008 Annual Town Meeting by increasing the fiscal year 2009 Water Enterprise Budget by a sum of money, said increase to be funded by an increased water rate and/or to be funded by transferring a sum of money from available funds; or take any other action relating thereto.

ARTICLE 6

To see if the Town will vote to amend the vote taken under Article 5 of the May 5, 2008 Annual Town Meeting which, in part, read: "to transfer from the Cemetery Lot Care Fund the sum of \$16,800, from the Cemetery Perpetual Care Fund the sum of \$11,089, and from the Cemetery Sale of Lots Fund the sum of \$4,280, all to the Cemetery Budget" by a) increasing the Lot Care amount by \$1,574.62 to a new total of \$18,374.62, b) increasing the Perpetual Care amount by \$820.98 to a new total of \$11,909.98, and c) decreasing the Sale of Lots amount by \$1,368.18 to a new total of \$2,911.82; said changes having the net effect of increasing the total transfers from \$32,169 to \$33,196.42; or take any other action relating thereto.

ARTICLE 7

To see if the Town will vote to transfer the sum of \$8,898 from the Septic Betterment Fund for debt service associated with State Revolving Loan Fund loan MWPAT #4 97-1187-3, thereby increasing the amount authorized under Article 40 of the May 5, 2008 Annual Town Meeting (\$19,942) to a new total of \$28,840; 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 purchasing a police cruiser for the Police Department to replace one of the existing police cruisers and to authorize the Board of Selectmen to dispose of the vehicle replaced by the new cruiser 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 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 purchasing a new skid-steer loader and associated attachments; or take any other action relating thereto.

ARTICLE 10

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 2009; or take any other action relating thereto.

ARTICLE 11

To see if the Town will vote to amend the Town of Essex Animal Control By-law by adding a new Section 3A as follows:

**SECTION 3A. ROAMING AT LARGE.**

- a. No person shall permit a dog owned or kept by them to cause a nuisance to people or other animals or a threat to public safety while roaming at large.
- b. The Dog Control Officer shall investigate all complaints made to the Dog Control Officer, the Town of Essex Police Department, the Board of Selectmen, or the Town Administrator, that any dog owned or kept within the Town of Essex has caused or is causing a nuisance to people or other animals or a threat to public safety while roaming at large.
- c. The Dog Control Officer is hereby empowered to make whatever inquiry is deemed necessary to determine the accuracy of said complaint and may make such orders as he or she deems necessary to ensure the protection of public safety and/or to eliminate said nuisance.
- d. Without limiting the generality of the foregoing, such order shall require, at a minimum, that the dog be under voice control when off of its owner's premises, that the dog undergo training, and/or that the dog be leashed whenever off of its owner's premises.
- e. The owner or keeper of any dog(s) ordered by the Dog Control Officer to take actions authorized in the preceding paragraph may request a hearing before the Board of Selectmen. Said request shall be in writing and received by the Board of Selectmen within two (2) business days of the owner or keeper's receipt of the Dog Control Officer's order. A copy of the hearing request shall also be delivered to the Dog Control Officer. The hearing request shall include an explanation of the measures that the owner or keeper intends to take to protect public safety and/or eliminate a nuisance pending disposition of the matter by the Board of Selectmen.
- f. After hearing, the Board of Selectmen may affirm the Dog Control Officer's order, reverse and nullify the Dog Control Officer's order, or issue any such order as it deems necessary to ensure the protection of public safety and/or eliminate a nuisance. The determination of the Board of Selectmen after a hearing shall be final.
- g. Nothing in this By-law is intended to limit or restrict the authority of the Board of Selectmen to act in accordance with G.L. c. 140, §157.

; or take any other action relating thereto.

**ARTICLE 12**

To see if the Town will vote to accept the provisions of Section 108P of Chapter 41 of the Massachusetts General Laws and to transfer from available funds a sum of money for additional compensation for the Town Treasurer; or take any other action relating thereto.

**ARTICLE 13**

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 funding increases in Town departmental fuel expenses including gasoline, diesel fuel, natural gas, heating oil, and mileage reimbursement; said sum to be spent under the direct control of the Board of Selectmen; or take any other action relating thereto.

**ARTICLE 14**

To see if the Town will vote to amend the vote taken under Article 3 of the May 5, 2008 Annual Town Meeting by increasing the "Poll Worker" wage on the fiscal year 2009 Wage & Salary Scale from \$6.75 per hour to \$8.00 per hour; or take any other action relating thereto.

**ARTICLE 15**

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 from a past fiscal year; or take any other action relating thereto.

**ARTICLE 16**

To See if the Town will vote Pursuant to G.L. c. 44, § 53E ½ to authorize a revolving fund for the Board of Health for the purpose of purchasing supplies and pharmaceuticals as needed by the Public Health Nurse and for the payment of Public Health Nurse wages. Medicare and other reimbursements relating to said programs and donations for the purpose of purchasing supplies and pharmaceuticals and for Public Health Nurse labor shall be credited to the fund and expenditures from the fund shall be authorized by the Board of Health up to a maximum of \$10,000; or take any action thereto.

**ARTICLE 17**

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 producing conceptual architectural plans for a new, combined Town Office, Police Department, and Library building and a renovated Fire Station and/or variants thereof; or take any other action relating thereto.



ARTICLE 18

To see if the Town will vote to amend its action under Article 10 of the May 5, 2008 Annual Town Meeting by revising the sums allocated to the Youth Enterprise Fund and also the sources of the funding, whether by raising and appropriating or transferring from available funds.

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 6<sup>th</sup> day of October, two thousand eight.

\_\_\_\_\_  
A. Raymond Randall Jr., Chairman

Attest: \_\_\_\_\_  
Constable

\_\_\_\_\_  
Jeffrey D. Jones

Date: \_\_\_\_\_

\_\_\_\_\_  
Mark W. Lynch

BOARD OF SELECTMEN  
TOWN OF ESSEX