

Present: Chairman A. Raymond Randall, Selectman Mark W. Lynch, Selectman Jeffrey D. Jones, Town Administrator Brendhan Zubricki, and 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.

David Brown, the owner and manager of Tom Shea's restaurant at 122 Main Street, appeared before the Selectmen to request an extension of the closure period for the restaurant since the remodeling is not proceeding as quickly as anticipated. The Selectmen were agreeable to the request and a motion was made, seconded, and unanimously Voted to approve extension of the closure until March 9<sup>th</sup> for Tom Shea's. Mr. Brown is in the process of preparing the ABCC (Alcohol Beverage Control Commission) paperwork for an alteration of premises and will be returning in the near future for the public hearing regarding his request. He invited the Selectmen to stop by the restaurant to view the two new fireplaces and the new configuration. He will not be increasing the seating capacity of the restaurant, but will be changing the location of the entrance/exit. Mr. Brown will be changing the d/b/a name of the restaurant in about another year to just Shea's Restaurant as required by his original purchase contract. Mr. Brown left the meeting.

Brendhan Zubricki presented his Town Administrator's Report for the period covering January 24<sup>th</sup>, 2009 through February 6<sup>th</sup>, 2009, regarding the following items:

Youth Commission Annual Report: Mr. Zubricki asked if the Selectmen had reviewed the last draft of the Youth Commission's Annual Report. They had, and a motion was made, seconded, and unanimously Voted to submit the report to be included in the Town's Annual Report.

Status of Proposed Digging Limit Regulations Change: Mr. Zubricki reminded the Selectmen that they had discussed the possibility of abolishing daily digging limits when they had met with the Shellfish Advisory Board at their last meeting. To date, neither the Advisory Board nor anyone else has submitted written, substantiated comments arguing neither for nor against daily limits. The Shellfish Warden is recommending that if the Selectmen decide in favor of no daily limit, that digging be restricted to one tide per day. Newburyport is the only town with no limits on clams, but they do limit it to one tide per day. All the other towns have per day digging limits. It was agreed that Mr. Zubricki would contact the chair of the Shellfish Advisory Commission and inform him that Selectman Jones would like to attend their next meeting in March to discuss their opinions regarding the pros and cons of digging limitations.

Essex Youth Commission Ideas and Structure: Mr. Zubricki reminded the Selectmen that the former Youth Commission members will be attending tonight's Selectmen's meeting and reviewed the topics that they are planning to cover: Summer Program Camp inspection and operation standards for safety and the creation of additional programs to target more age groups. Mr. Zubricki said that the Youth Director has prepared a list of proposed activities for this year's summer program and Mr. Zubricki has Manchester's list of programs from last summer. The Youth Director has also prepared a vendor services cost analysis which compares driving to purchase supplies versus ordering

supplies to be delivered onsite. (The comparison concluded that vendor services would not be cost effective.) The Selectmen will also need to review the advantages/disadvantages of combining the positions of Youth Director and Summer Program Director into one position.

Bobby Cann from the Gloucester Daily Times joined the meeting.

Appointment of Town Building Committee: Mr. Zubricki reported that six people have volunteered to serve on the Town Building Committee as a result of the recent notice in the local newspaper. So far, seven people have been appointed by the Selectmen at their last meeting: Ed Lafferty from the Finance Committee, Dan Doucette from the Fire Department, Pete Silva from the Police Department, Deb French the Librarian, Beth Cairns from the Board of Library Trustees, Juergen Dietrichson from the Planning Board, and Stuart Pratt. After some discussion, a motion was made, seconded, and unanimously Voted to appoint Robert Coviello, Julie Haraden DePaolis, Peter Levasseur, Lisa O'Donnell, Sara Richards, and Lex Towle to the Town Building Committee, making a total of 13 members. Mr. Zubricki agreed to prepare a draft charge to the committee to be reviewed by the Selectmen that will be forwarded to the committee members for review before the charge becomes finalized. Mr. Zubricki will ask the members to meet, elect a chair, review the draft charge, and report back to the Selectmen.

Conomo Point Subdivision Options: The CPPC (Conomo Point Planning Committee) will be meeting February 12<sup>th</sup> and the Selectmen asked Mr. Zubricki to share Horsley Whitten's preliminary drafts with the committee. The Selectmen decided to wait until the CPPC has reviewed the drafts before scheduling the public forums to be held to discuss the proposed options for Conomo Point.

Consulting Planner Quotations: Two of the three firms asked to bid on consulting services responded to the Town's request for quotations. The lowest bidder is Community Investment Associates of Ipswich. Their bid is \$2,000 lower than the bid put forward by Horsley Whitten. At present, the firm's principal is reviewing the contract with the Town (which is based upon the one signed with Horsley and Whitten and reviewed by Town Counsel for work at Conomo Point). Mr. Zubricki has informed the Planning Board of the name of the lowest bidder. A motion was made, seconded, and unanimously Voted to allow Mr. Zubricki to award the contract to Community Investment Associates as the lowest bidder pending their favorable review of the Town contract.

Essex Property Revaluation Consulting Agreement: The Board of Assessors is required by the State to revalue property in the Town every three years and next year will be a revaluation year. The Town will need to hire the services of an outside vendor to help with the revaluation and has chosen Vision Appraisal since the Town uses their proprietary software. Vision has requested \$17,000 for the project: \$6,000 payable in FY2009 and \$11,000 payable in FY2010. A motion was made, seconded, and unanimously Voted to approve and sign the FY 2010 Commercial/Industrial Update Agreement.

Annual Legal Update: The Selectmen would like Mr. Zubricki to arrange for representatives from Kopelman & Paige to meet with them sometime in April for an update on legal matters involving the Town.

Special Town Meeting, March 9, 2009: Mr. Zubricki said there are three articles proposed for the warrant at the STM. The first will ask to change the Town Clerk's position from an elected to an appointed position. The second involves the Community Preservation Committee and related spending and accounting procedures. The third will ask to take free cash to replace a local aid cut that the State has announced for FY2009.

A motion was made, seconded, and unanimously Voted to hold a Special Town Meeting on Monday, March 9<sup>th</sup>, 2009.

A motion was made, seconded, and unanimously Voted to open the warrant for the March 9<sup>th</sup>, 2009 Special Town Meeting.

A motion was made, seconded, and unanimously Voted to add the three articles to the warrant for the March 9<sup>th</sup>, 2009 Special Town Meeting.

A motion was made, seconded, and unanimously Voted to close the warrant for the Special Town Meeting.

A motion was made, seconded, and unanimously Voted to sign the warrant for the March 9<sup>th</sup>, 2009 Special Town Meeting. (Please see attached warrant).

Jessica Yurwitz and Tricia Soulard, former members of the Youth Commission, appeared before the Selectmen to discuss their recommendations for improvements to the Youth Commission. (Former member Annie Cameron was unable to be present and sent her apologies.) Katrina Haskell, another former member, was also asked to come to the meeting, but didn't. Also present was the Youth Director, Marilyn Klypka-Simpson.

Jessica Yurwitz distributed a list of discussion points prepared by the former EYC members.

The Town of Essex has about 600 young residents and the programs sponsored by the Youth Commission primarily focus on only one age group. The EYC former members would like to see the EYC increase services to provide programs for preschool, middle school and high school children. Ms. Yurwitz introduced Liz Mulry, a resident and preschool mother, to speak about preschool needs. Ms. Mulry said that currently, a group of about 5 to 12 mothers and their toddlers have been meeting once a week for a coffee hour at the Universalist Church. The Church has agreed to allow them to meet there, but would like \$200 per month or \$600 for the months of January through March to cover expenses (heating, electricity, & cleaning). Ms. Mulry asked the Selectmen to consider adding the preschool coffee group to the EYC program. The Selectmen were agreeable and there will likely be sufficient revenue to pay for the use of the church this year. They agreed to underwrite the cost for this year only (a total of \$600 for the 3 months), and could not promise to continue the program in future years. They asked to have the church submit a bill for the three months in 2009 to the Youth Director for payment. Ms. Mulry

thanked the Selectmen and left the meeting. Ms. Yurwitz recommended additional research to determine desirable programs for preschoolers and other age groups. She said that they had previously drafted a list of possible programs, but had not developed them. Chairman Randall asked her to forward a copy of the list to Mr. Zubricki.

Ms. Yurwitz and former members would also like to see the adoption of health and safety standards for the site of the summer camp program. Mr. Zubricki has obtained a copy of the camp regulations checklist from the State and has talked to the Board of Health about required safety inspections. The Town as a municipality is not required to conform to any safety guidelines issued by the State or the local Board of Health. Private summer camps do have to meet the requirements and guidelines. Mr. Zubricki recommended voluntarily using the checklist to audit the summer program premises to determine any safety deficiencies. Deficiencies could be addressed as time and budget permit. EYC former members recommended seeking advice from Joyce Hersey and Rusty Harnish, who both have experience operating summer camps.

Ms. Yurwitz went on to recommend a voluntary oversight board for the summer program. Presently, the Youth Director and the Summer Program Director positions are filled by the same person and during the summer that person's entire time is spent running the summer program which is attended by about 200 children but only focuses on one age group. If the positions are held by two different people, one would run the summer program and the other would be able to work on activities for other age groups. Mr. Randall asked Ms. Yurwitz and Ms. Soulard to think more about how a voluntary board would function and the required qualifications of those who would staff it and submit a written proposal to the Selectmen for evaluation.

It was agreed by everyone that the priority for the time being will be the summer program which is self-sustaining. The guidelines for the safety audit will begin to be implemented and new guidelines established for orientation of summer staff and operating procedures. The after-school programs will be re-assessed to determine their feasibility based on the current economic state of the Town and state government. Everyone will continue to work towards the new goals one step at a time.

Chairman Randall thanked Ms. Yurwitz and Ms. Soulard for all their efforts and they left the meeting.

Police Chief Peter G. Silva and Sergeant Paul Francis joined the Selectmen. They introduced Daniel Bruce, a resident of Apple Street and who has been working as a dispatcher at the Emergency Center since December. Chief Silva distributed a copy of Mr. Bruce's resume. Mr. Bruce is interested in becoming involved in law enforcement and Chief Silva would like to recommend that the Town sponsor Mr. Bruce as a candidate to the Police Academy. Mr. Bruce would be responsible for paying his own tuition and all costs and would be required to agree to the standard hold harmless agreements used in the past for other candidates. A motion was made, seconded, and unanimously Voted to approve Town sponsorship of Daniel Bruce to the Police Academy. The Selectmen asked the Chief to forward the completed paperwork to them for signing. Mr. Bruce left the meeting.

Sergeant Francis, as the project manager for the Police Department certification project, presented an update on the progress made to date. There are 155 certification points to be met in order for the Department to achieve certification. Currently, the Department believes that it has met 43 points and they are in the process of trying to achieve waivers for 19-23 of the remaining points. These +/-19 points are not relevant to the Essex Police Department, since Essex does not have a lock-up facility. The Department is only able to work on the certification on a part-time basis. Also, each point requires an enormous amount of work.

Chief Silva would also like to create a volunteer auxiliary Police force of from 6 to 8 people. He would like to try the program for a year. The auxiliary force would be in addition to the 11-man reserve force the Town presently has.

Other goals of the Police Department are the implementation of a Field Training Officer, a School Resource Officer, and a Citizen Police Academy.

Chief Silva reviewed the current status of the Police Department budget. The Selectmen said they would review his numbers.

The Selectmen reviewed the Chief's progress toward his goals over the past calendar year and voted to grant him 3% in merit pay for fiscal year 2010 in accordance with the terms of his contract. They thanked the Chief and Sgt. Francis for coming to the meeting. The Chief and the Sergeant left the meeting.

The Selectmen welcomed School Committee members Susan Coviello and Alva Ingaharro, School Superintendent Marcia O'Neil, School Business Manager Judy Mulligan, Town Treasurer/Collector Virginia Boutchie, Town Accountant Roxanne Tieri, Finance Committee Chair Jeff Soulard, Finance Committee members Mark McKenna and Jim Horrocks.

Joint Roundtable Meeting: Jeff Soulard reviewed the FY2010 budget status based on the recent draft numbers released by the School Committee earlier in the day. Presently, there is a shortfall between anticipated revenue and budgetary expense. The Finance Committee intends to strip down the budget and then build it back based on available funds.

Marcia O'Neil and Judy Mulligan reported on their progress to control the school budget for the coming year. They have been exploring many avenues for cost savings and reviewed many individual school budget items with the Selectmen. They will continue to work towards lowering the budget for the coming year. Having concluded the school budget report, Marcia O'Neil, Judy Mulligan, Susan Coviello and Alva Ingaharro left the meeting.

Town Accountant Tieri handed out a tax rate analysis recap. Jeff Soulard is hoping that Town departments will hold back on FY 2009 spending in order to ensure maximum carryover of funds into FY 2010. He is suggesting a 5% voluntary budget reduction. Selectman Lynch hoped that cuts could be made by selecting individual line items, rather than mandating percentage cuts across all departments. Mr. Soulard would also like to

review the analysis of loss of revenue due to the expiration of the leases at Conomo Point. A recent letter from the Department of Public Works regarding revenue loss from seasonal water connections at Conomo Point was mentioned. The budget status and needs of several departments were briefly reviewed. The Finance Committee agreed to meet with the Selectmen again at the Selectmen's meeting on February 23<sup>rd</sup> at 8:00 p.m. to again discuss the progress with the proposed budget.

There being no more discussion regarding the budget, Chairman Randall thanked those present. Ms. Boutchie, Ms. Tieri, Mr. Horrocks, Mr. McKenna, and Mr. Soulard left the meeting.

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

The Planning Board is proposing 3 articles dealing with zoning bylaw changes and has already held and continued public hearings for discussion of the articles before finalizing the language or having any of the proposed articles reviewed by Town Counsel. The Selectmen only learned about the first hearing involving two of the proposals after it had been held (no notice came from the Planning Board). Selectman Jones recused himself from the discussion. The Selectmen agreed that they are not in favor of supporting the article regarding the creation of agricultural/residential overlay districts. The Planning Board has not discussed the article with the Selectmen and their proposal includes Town land which is being considered for new Town offices. The Planning Board's newspaper advertisement for a public forum to discuss the article only advertised one proposed district in the north end of Town and does not include other areas in Town mentioned in a recent newspaper interview. And thirdly, the article has not been reviewed by Town Counsel. The Selectmen asked Mr. Zubricki to send a memo to the Planning Board stating that the Selectmen will not support the overlay district article nor include it on this year's warrant for the Annual Town Meeting. Chairman Randall will contact Planning Board Chair Drake to discuss the memo in advance of its release. In the future, the Planning Board will need to seek advice from Town Counsel regarding changes to the bylaws before holding public forums to discuss the proposed changes. They also requested that Mr. Zubricki ask the Planning Board for the final versions of the other two proposed articles so that they could be reviewed by Town Counsel as soon as possible.

The Selectmen reviewed an article proposed by the Board of Health to allow them to increase certain fees by adopting statute (Chapter 40, § 22F). The adoption of the statute would allow other departments to increase their fees above the statutory limits as well. The Selectmen were not in favor of including this article on the warrant.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$135,225.25.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the January 26, 2009, Selectmen's Open Meeting and the January 26, 2009 Selectmen's Executive Session.

A motion was made, seconded, and unanimously Voted to approve a request to issue a proclamation designating May 1<sup>st</sup> Silver Star Banner Day in honor of the wounded and ill soldiers of the Town of Essex.

A motion was made, seconded, and unanimously Voted to approve the following requests for licenses:

Auction Permit:

- Robert Landry, d/b/a L.A. Landry Antiques, for use on Tuesday, March 10<sup>th</sup>, 2009, between the hours of 2:00 p.m. and 8:00 p.m. within the confines of 125 Main Street.

One-Day Wine and Malt License:

- Geraldine Morrissey, the Geraldine Morrissey Wedding, for use on Saturday, July 25<sup>th</sup>, 2009, between the hours of 2:00 and 11:00 p.m. within the confines of the Essex Conference & Recreation Center at 1 Conomo Point Road.

One-Day Entertainment License:

- Geraldine Morrissey, the Geraldine Morrissey Wedding, for use on Saturday, July 25<sup>th</sup>, 2009, between the hours of 2:00 and 11:00 p.m. within the confines of the Essex Conference & Recreation Center at 1 Conomo Point Road.

The next Board of Selectmen's meeting will be held on Monday, February 23, 2009, at 7:00 p.m. at the T.O.H.P. Burnham Public Library.

The Selectmen said that they would review the proposed renewal contract for the Town Accountant at their next meeting. In the meantime, Selectman Lynch will discuss the contract with Ms. Tieri.

The Selectmen approved Mr. Zubricki's goals for CY2009 after modifying the emergency backup goals to be measurable.

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

2009  
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, March 9, 2009 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, pursuant to G.L. c.41, §1B, to make the elected position of Town Clerk an appointed position, such appointment to be made by the Board of Selectmen for a term not to exceed three years; provided, however that before such change may take effect, the change must be approved by the voters of the Town at the 2009 Annual Town Election; provided further that the incumbent elected Town Clerk serving at the time of the Annual Town election shall continue to hold said office and to perform the duties thereof until the expiration of the term for which said individual was elected or until said individual otherwise vacates such office; or take any other action relating thereto.

ARTICLE 2

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money not exceeding 5% of the FY2010 estimated annual revenues to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2010; and further to reserve for future appropriation a sum of money from the Community Preservation Fund FY2010 estimated annual revenues for open space, historic resources, and community housing purposes, as well as a sum of money to be placed in the 2010 Budgeted Reserve for general Community Preservation Act purposes; and further to appropriate from the Community Preservation Fund or reserve a sum or sums of money for Community Preservation projects or purposes, all as recommended by the Community Preservation Committee; or take any other action in relation thereto.



ARTICLE 3

To see if the Town will vote to transfer from available funds a sum of money to be used as another financing source in the general fund for fiscal year 2009; or take any other 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 9<sup>th</sup> day of February, two thousand nine.

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

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

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

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

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

BOARD OF SELECTMEN  
TOWN OF ESSEX