

Present: Chairman A. Raymond Randall, Selectman Mark W. Lynch, Selectman Jeffrey D. Jones, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, and Gloucester Daily Times Reporter Bobby Cann.

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 one present from the public had any comments.

Mr. Zubricki showed the Board a memo he had received from the Horsley Witten Group on March 23, 2009 regarding some questions the firm was seeking to resolve. Selectman Lynch said he would work with Mr. Zubricki on an initial response to the firm and would discuss the matter further with the Conomo Point Planning Committee on March 26, 2009.

Jonathan Bishop, Michael French, Ronald Hemeon, Mark Lane and Eugene Melanson appeared before the Selectmen to request a waiver of the filing deadline for commercial clamming permits and Mrs. Riehl appeared before them to request a waiver of the filing deadline for a student permit for her son, Cooper Riehl. The Chairman asked each person to state their name and explain their reason for missing the deadline. Following the explanations, a motion was made, seconded, and unanimously Voted to waive the filing deadline for Jonathan Bishop, Michael French, Jim Haskell, Ronald Hemeon, Mark Lane, Eugene Melanson, and Cooper Riehl. The Selectmen signed the application forms and returned them to the applicants (except for Jim Haskell, who was absent). The applicants left to place their approved applications with the Town Clerk.

At 7:05 p.m., the Chairman entertained a motion to open the Public Hearing regarding a request for a new All Alcohol Restaurant Liquor License for BN Farm, LLC, d/b/a The Farm at 233 Western Avenue. The motion was moved, seconded, and unanimously Voted. Bradley Atkinson and Noah Goldstein, the co-owners, and their attorney, Ryan Cox introduced themselves to the Selectmen. Bradley and Ryan are brothers and Noah is their cousin. They will lease the property from the owner, Mr. Ventimiglia, and they will manage a family-operated restaurant there that will serve breakfast, lunch and dinner. They have recently completed TIPS and safe food management training to augment their several years of experience in the restaurant business. The Chairman stated that the former operator of the restaurant at that location and the property owner are in the process of suing each other. Chairman Randall asked the license applicants if they knew of any reason why that might affect their ability to successfully run the restaurant. They did not. The Chairman asked if anyone else would like to comment on the application request. No one did. A motion was made, seconded, and unanimously Voted to close the Public Hearing. A motion was made, seconded, and unanimously Voted to approve the application for a new all alcohol liquor license for BN Farm, LLC, d/b/a The Farm, Bradley Atkinson, Manager, at 233 Western Avenue. The Selectmen signed the application package, which will be forwarded to the Alcoholic Beverage Control Commission in Boston for their review and approval. Mr. Atkinson, Mr. Cox, and Mr. Goldstein left the meeting.

Matthew Jacobs and Rocco Manzi next appeared before the Selectmen to request a waiver of the length of Essex residency requirement when applying for a clamming license. Both Matthew Jacobs and Rocco Manzi moved to Town in February from Gloucester and clamming is their livelihood. After some discussion, a motion was made, seconded, and unanimously Voted to waive the residency requirement and to also waive the filing deadline. The Selectmen signed the permit applications and Matthew Jacobs and Rocco Manzi left the meeting to file their applications with the Town Clerk.

Mr. Zubricki presented his Town Administrator's Report for the period covering March 7<sup>th</sup>, 2009 through March 20<sup>th</sup>, 2009, regarding the following items:

Use of Memorial Park: Mr. Zubricki reported that due to the recent agreement between the Town and a movie company for use of Centennial Grove this summer, the Summer Youth Program and the Annual Music Festival will probably be relocated to Memorial Park. He presented a draft memo to the Board of Public Works alerting the BPW to the additional use that may be made of Memorial Park this coming season as a result of the movie contract displacing various activities from Centennial Grove. A motion was made, seconded, and unanimously Voted to approve and sign the memo.

Youth Commission Planning: Mr. Zubricki said that Russell Harnish has agreed to perform an audit, using the established state guidelines as a template, of the administrative side of the Youth Program at no cost to the Town. A site audit of the Youth Program will be deferred until next year when the Program will again be held at Centennial Grove. The Selectmen decided not to proceed with the creation of a Board of Directors for the Summer Youth Program until sometime in the Fall after the Summer Program is over. The Selectmen are still reviewing the recommendations made by a former Youth Commission member. Mr. Zubricki also reported that he is currently working with school officials to determine whether or not space at the school may be available for use by the Summer Youth Program. The Selectmen asked Mr. Zubricki to work out the use of the school with the Youth Director once school officials report on its availability. Memorial Park will also be used for the Summer Program.

Mr. Robert Ciampi appeared before the Selectmen to request permission by P&B Associates to close the Essex Package Store for repairs and renovations for the month of April 2009. The Selectmen considered his letter and a motion was made, seconded, and unanimously Voted to permit Mr. Ciampi, as manager of P&B Associates, to close the Essex Package Store for the month of April 2009. Mr. Ciampi thanked the Selectmen and left the meeting.

Members of the Town Building Committee, Stuart Pratt and Police Chief Peter G. Silva, appeared to update the Selectmen regarding the progress of the newly established committee. Mr. Pratt reported that at their first meeting they elected Lisa O'Donnell as chair of the Committee and have scheduled another meeting for next week. They are planning to meet twice a month and the initial focus will be to bring the new members who were not part of the old ad hoc committee up to speed. Their first project will be to assess the needs of each of the entities that will be using the space (i.e. Fire Department, Police, Library, Town Offices). The Committee is hoping to have a proposal prepared for the 2010 Annual Town Meeting. Their research will include consideration of the

evolution of Town needs over time and projected Town growth, so that the space provided will be able to adjust as needs change. The Selectmen agreed that the Committee is off to a good start and Mr. Pratt and the Chief left the meeting.

Potential Use of Old Town Beach: Mr. Zubricki said that some residents of the Town have approached the Town Clerk to inquire whether the old Town beach at the end of Red Gate Road could be used this summer by Town residents since the beach at Centennial Grove will be closed to the public. Selectman Lynch and Mr. Zubricki have made a site visit and reported that the beach looks usable. They suggested requesting permission from the Conservation Commission to put a load of sand above the waterline. Mr. Zubricki said that there is a new regulation pending that may require the local Board of Health to inspect and permit all public beaches. Currently, there are rocks on the road to limit parking and perhaps the BPW could be asked to move them temporarily to allow for sand delivery. Another concern is that the gas pipeline is very close to the beach area and Mr. Zubricki has been unsuccessful in contacting the gas company to discuss the proposed use of the beach. The Selectmen asked Mr. Zubricki to inform the BPW Superintendent that the site is being considered as an alternative to Centennial Grove beach.

Potential Tourism Commission: Robert Coviello, who has recently been appointed to serve on Gloucester Mayor Kirk's soon to be formed tourism commission, appeared to ask the Selectmen to consider choosing one of the Selectmen to also serve with him on the commission. The Selectmen were in favor of the idea and Chairman Randall volunteered to act as liaison. Mr. Zubricki agreed to contact Mayor Kirk for more information concerning the new committee.

Fiscal Year 2008 Audit: Mr. Zubricki reported that the final audit opinion letter has been received from Rogers & Sullivan and the letter states that no instances of noncompliance or material weakness were identified in their audit of the Town. The final step in the Senior Center grant closeout process requires that the Town provide an audit certification letter. A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on an audit certification letter for purposes of closing out the grant. Mr. Zubricki said that he has discussed the opinion letter issued by Sullivan and Rogers with the Town Accountant and the Town Treasurer/Collector and they have acted on the suggestions made by the auditing firm. The Selectmen asked Mr. Zubricki to make sure that the Selectmen are included in the initial review process of future audit letters.

Regional Emergency Communications Center (RECC) Meeting: Mr. Zubricki reported that he and Chief Silva had attended a meeting in Middleton to discuss the progress towards creating a regionalized emergency center. It will likely take about 18 months to get the center started and the first step will be to establish an intermediate center that will operate while a more permanent site is created. The original group of participants in the regional center consists of about 13 towns. Based on the current number of towns involved, it has been projected that the cost of maintaining an emergency center to the Town will go from \$80 per capita to about \$16. If more towns decide to join the group, the cost to Essex will become even cheaper.

Carolyn Britt, the principal of Community Investment Associates of Ipswich, appeared before the Selectmen. Ms. Britt has been awarded the consulting contract for planning

services to the Town. The purpose of the contract is to provide professional planning services to various Town boards and committees on a project by project basis. Planning Board members Juergen Dietrichson, Bill Holton, and Andrew St. John; Long Term Planning Committee members Westley Burnham, Robert Coviello, and Pete Silva; and Board of Appeals members Ed Perkins and Michael Davis joined the meeting. Also present were Finance Committee member Ed Lafferty and Conomo Point Planning Committee Chair Rolf Madsen.

Carolyn introduced Juliet Walker from Taintor & Associates, Inc., a planning firm from Newburyport that will be partnering with Community Investment Associates on the Town consulting contract. Carolyn and Juliet began by reviewing their past experience in municipal planning. They have divided the responsibilities for the Town contract between the two firms and Juliet will be working on issues relating to zoning and to the Conomo Point Planning Committee. Carolyn will be dealing with the needs of the Planning Board, the Zoning Board of Appeals and the Long Term Planning Committee. They will be reviewing the advisability of creating overlay districts, researching various zoning strategies that may benefit the Town and they may also suggest seeking certain grants. They have been digesting background information as part of their preparation for the projects and have been unable to get a copy of the Open Space & Recreation Plan and the results from the On-Line Survey that was conducted by the Long Term Planning Committee last Fall. Mr. Zubricki offered to provide the collated data from the survey and Robert Coviello offered to loan the individual questionnaires. Andrew St. John said that the Planning Board could provide copies of several zoning by-law changes that have been unsuccessfully attempted at Town meeting in past years.

The Chairman asked each Committee to speak about priority items that they would like Carolyn and Juliet to help with.

Andres St. John, a member of the Planning Board and the LTPC, said that they continue to struggle with the concepts of various districts (a scenic overlay district and an agricultural/residential overlay district), Open Space Residential Development (OSRD), mixed use, site plan review requirements, and the discovery of available smart growth tools relevant to the Town. There is also a need for a comprehensive Town bylaw review to ensure that the bylaws address Town needs and are internally consistent. The Planning Board will be meeting with Carolyn to discuss each of their needs in more detail.

Robert Coviello, a member of the LTPC, the Essex Historical Commission and the Merchants' Group, spoke about the LTPC's efforts to formulate a plan they have titled: "The Village Initiative" which consists of about 12 projects, including a discussion of a proposed business overlay district. The LTPC is hoping that Carolyn will be able to help them polish and perfect the plan.

The merits/disadvantages of zoning districts versus overlay districts were briefly discussed.

Ed Perkins, the Chairman of the Zoning Board of Appeals, said that the zoning bylaws have been changed over the years to deal with individual situations and that the way the original bylaws were written really worked. He cited the special permit bylaw that was written in 1969 and became effective in 1972. He said that a lot of things come to the

Zoning Board of Appeals now because the original bylaws have been changed so much that they are no longer effective. Past efforts to establish zoning districts have failed because the residents want to keep the Town as it is. Mr. Perkins asked Carolyn to contact him regarding a future meeting between the ZBA and Carolyn for further discussion.

Selectman Lynch said that the Conomo Point Planning Committee is presently working with Horsley Witten regarding Conomo Point. He asked if Carolyn had enough direction and information to begin and said that he wants to look at planning for the Town as a whole rather than on a piecemeal basis. Selectman Lynch said that he hoped Carolyn would assess the existing bylaws to identify anything that will keep the Town from making progress towards its planning goals.

The Chairman thanked everyone for coming and the following people left the meeting: Carolyn Britt, Juliet Walker, Juergen Dietrichson, Bill Holton, Andrew St. John, Westley Burnham, Pete Silva; Ed Perkins, and Michael Davis.

At 8:30 p.m., a motion was made, seconded, and unanimously Voted to open a public hearing regarding a dog owned by Jay Ramsey of Rocky Hill Road.

Jay Ramsey, his attorney (Mr. McMahon), David Peterson, Rolf Madsen, Tina Estes, and George Harvey joined the Selectmen. The Chairman asked anyone who was planning to speak 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. Ramsey, Mr. McMahon, Mr. Peterson, Mr. Madsen, Ms. Estes, and Mr. Harvey so swore.

The Chairman began the hearing by reading the police report of an incident involving Ms. Estes, her dog, Mr. Ramsey and two of his dogs. He then asked if anyone had any comments. Ms. Estes recounted her version of the incident, followed by Mr. Ramsey recounting his version. Ms. Estes had gone out for a walk with her dog on her land and had noticed Mr. Ramsey and his dogs talking to Mr. Harvey down the street. She retreated to a point of safety to allow Mr. Ramsey to pass by. Mr. Harvey stated that due to the icy and slippery conditions that day, Mr. Ramsey had had trouble controlling his leashed dogs. They had pulled him over to Ms. Estes. One of the dogs went after Ms. Estes's dog, which was in her arms and jumped on Ms. Estes. The dogs and people were separated and everyone went on their way. Ms. Estes remarked that this time her dog was unhurt, unlike two years ago when the same dog had attacked and seriously injured her dog.

Chairman Randall reminded everyone of the agreement that the Town had reached with Mr. Ramsey a year ago after another incident involving Mr. Ramsey's dogs and a dog belonging to Mr. Peterson which had died as a result of its injuries. Mr. Ramsey had agreed to keep the dogs confined to his property by a fence at all times unless they were under control and on a leash. The Chairman suggested that Mr. Ramsey was in violation of his agreement, since he had been unable to restrain the dog from traveling the 18 to 20 feet to Ms. Estes or from jumping up on her.

After hearing comments from Mr. Peterson (including Mr. Peterson's submittal of two photographs allegedly of one of the Ramsey dogs roaming freely on the Peterson property), Mr. Madsen, and Mr. McMahon, the Chairman asked if anyone else would like to speak either for or against. No one had any more comments. A motion was made, seconded, and unanimously Voted to close the public hearing. After a brief discussion, the Selectmen decided to defer making a decision regarding the situation until they have had a chance to confer with Town Counsel.

Mr. Peterson, Mr. Harvey, Mr. Madsen, Ms. Estes, Mr. Ramsey, Mr. McMahon, and Mr. Coviello 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 \$88,858.83.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the March 9<sup>th</sup>, 2009, Selectmen's Open Meeting and for the March 9<sup>th</sup>, 2009 Selectmen's Executive Session.

A motion was made, seconded, and unanimously Voted to grant authority to approve film studio requests by each of the Selectmen individually.

The Selectmen discussed the annual placing of the Little League Fence at Centennial Grove. The fields there will be available for part of the season before the area is closed during the movie production. Selectman Jones asked Mr. Zubricki to see if the Superintendent of Public Works could provide some pipe stock for the fence's top rail.

The Selectmen will discuss closing the winter clam flats at a future meeting pending a recommendation from the Shellfish Advisory Commission. It was mentioned that Ipswich has removed limitations on daily digging. The Selectmen asked if a copy of the Ipswich report's analysis could be obtained for their review. Selectman Jones said he would get it.

A motion was made, seconded, and unanimously Voted to approve a request to the Finance Committee to transfer \$2,000 from the Reserve Fund to the Shellfish Deputy line budget item.

The Selectmen reviewed a request from the Youth Director to hold the Annual Easter Egg Hunt behind Town Hall on Saturday, April 11, 2009 from about 9:00 a.m. through 1:00 p.m. A motion was made, seconded, and unanimously Voted to approve the request.

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

Antiques License:

- Michael Bider, Bider's Antiques, Home, Camp & Cottage @ 67 Main Street.

**Auction Permit:**

- Paul Royka, d/b/a Royka's, for use on Sunday, March 29, 2009, between the hours of 7:00 a.m. and 5:00 p.m. within the confines of 125 Main Street.
- Frank Kaminski, d/b/a Kaminski Auctions, for use on Saturday, April 4, 2009, between the hours of 8:00 a.m. and 6:00 p.m. within the confines of 125 Main Street.
- Frank Kaminski, d/b/a Kaminski Auctions, for use on Sunday, April 5, 2009, between the hours of 8:00 a.m. and 6:00 p.m. within the confines of 125 Main Street.

**Fuel Storage:**

- Charles E. Holden, d/b/a Holden Essex Realty Trust for the above-ground storage of 90,000 gallons of propane gas and 100 gallons of methanol alcohol at Lot #9, Scot's Way.
- Edwin C. Perkins, d/b/a Perkins Marine, Inc. for the above-ground storage of 7,500 gallons gasoline and 2,500 gallons diesel at 82 Main Street.
- Chanty, Inc., d/b/a Richdale for the underground storage of 24,000 gallons gasoline at 156 Main Street.

The Selectmen were reminded that the next meeting of the Essex Division of the Cape Ann Chamber of Commerce will be held on Tuesday, March 24, at 8:00 a.m. at Woodman's. Chairman Randall, Selectman Lynch, and Town Administrator Zubricki will attend.

The Cape Ann Breakfast Club will meet on Thursday, April 2, 2009 at Brackett's Oceanview Restaurant in Rockport at 7:30 a.m. Sara Goldsmith Schwartz from Schwartz Hannum PC will present an overview of important legal decisions and legislative changes entitled Annual Labor and Employment Law Update. Please R.S.V.P. No one will be able to attend.

The next Board of Selectmen's meeting will be held on Monday, April 6, 2009, at 7:00 p.m. at the Essex Elementary School as an open forum for Town boards and committees to meet and exchange information and thoughts.

Finance Committee Chairman Jeff Soulard and members Ed Lafferty, Jim Horrocks, and Karen Birch, Town Accountant Roxanne Tieri, and Town Treasurer/Collector Virginia Boutchie joined the Selectmen for an update of the FY2010 budget by Mr. Soulard. Mr. Zubricki reviewed the monetary articles that are proposed for the coming May Annual Town Meeting. Everyone is pleased with the progress to date on the budget.

Everyone left the meeting, leaving only the Selectmen, the Town Administrator, and the Selectmen's Assistant.

A motion was made, seconded, and unanimously Voted to approve the Quarterly Report for the period ended April 1, 2009.

Annual Town Meeting Warrant: Mr. Zubricki reviewed the latest draft of the proposed warrant for the Annual Town Meeting. Subsequently, a motion was made, seconded, and unanimously Voted to add the articles dated March 23, 2009 to the warrant for the Annual Town Meeting to be held on May 4, 2009. A motion was made, seconded, and unanimously Voted to close the warrant. A motion was made, seconded, and unanimously Voted to sign the warrant. Another motion was made to recommend the three projected enterprise budgets for FY2010. A copy of the approved warrant is appended to these minutes.

Then, citing the need to discuss litigation, the value of real property, and contract negotiations, the Chairman entertained a motion to move to Executive Session. He said the Board would not be returning to Open Session and asked Town Administrator Zubricki to attend the session. 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 10:35 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: \_\_\_\_\_  
Jeffrey D. Jones



2009

Commonwealth of Massachusetts  
Town of Essex

Warrant for Annual Town Meeting and Election

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, of the Annual Town Election to bring to ballot for the following officers:

Moderator for one year  
Selectman for three years  
Assessor for three years  
Board of Health Member for three years  
Two Constables for one year  
Regional School Committee Member for three years  
Trustee of Library Funds for three years  
Two Planning Board Members for five years  
Housing Authority Member for five years

And to bring to ballot the following question:

Shall the town vote to have its elected town clerk become an appointed town clerk of the town? Yes \_\_\_\_\_ No \_\_\_\_\_

AND, to do this by vote on one ballot. The polls will be open on May 11, 2009 at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M. at the Essex Fire and Police Headquarters.

AND, 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, May 4, 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 to determine the manner of electing or choosing all other Town Officers usually elected or chosen at the Annual Town Meeting and take any appropriate action to elect such officers.

**ARTICLE 2**

To hear and receive the Reports of the Town Officials and Committees, and also to consider and receive any Reports contained in the Annual Town Report; or take any other action relating thereto.

**ARTICLE 3**

To see if the Town will vote to revise the fiscal year 2009 Wage and Salary Scale by increasing all Youth Department hourly wages by three percent (3%) for the remainder of fiscal year 2009; or take any other action relating thereto.

**ARTICLE 4**

To see if the Town will amend or revise the Wage and Salary scale for fiscal year 2010 in accordance with the recommendations of the Personnel Board Report, a copy of which is on file in the Town Clerk's office and is incorporated herein by reference; or take any other action relating thereto.

**ARTICLE 5**

To see if the Town will vote to fix the salary and compensation of each of the elected officers of the Town as required by Massachusetts General Law Chapter 41, Section 108, as amended, for fiscal year 2010 in accordance with the recommendations of the Personnel Board Report, a copy of which is on file in the Town Clerk's office and is incorporated herein by reference; or take any other action relating thereto.

**ARTICLE 6**

To hear and act upon the Report of the Finance Committee and to vote to raise and appropriate or transfer from available funds a sum of money for the Town charges and expenditures for the ensuing year; or take any other action relating thereto.

**ARTICLE 7**

To see if the Town will vote to raise and appropriate, transfer from available funds, and/or borrow a sufficient sum of money to fund and implement a collective bargaining agreement between the Town and the Teamsters Local 42; 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 funding the Sewer Enterprise Fund; 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 funding the Water Enterprise Fund; 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 for the purpose of funding the Youth Enterprise Fund; or take any other action relating thereto.

**ARTICLE 11**

To see if the Town will approve the Gross Operating and Maintenance Budget of the Manchester-Essex Regional School District, and raise and appropriate or transfer from available funds a sum of money for the Town's assessment from the District - said sum to be calculated solely in accordance with the "Agreement Between the Towns of Essex and Manchester-by-the-Sea, Massachusetts with Respect to the Formation of a Regional School District", as most recently amended, by invoking and approving the provision found in paragraph four of Massachusetts General Laws chapter 71, section 16B allowing District members "to reallocate the sum of their required local contributions to the district in accordance with the regional agreement", for the fiscal year beginning July first, two thousand nine; or take any other action relating thereto.

**ARTICLE 12**

To see if the Town will approve the Gross Operating and Maintenance Budget of the North Shore Regional Vocational School District, and raise and appropriate or transfer from available funds a sum of money for the Town's assessment from the District; or take any other action relating thereto.

**ARTICLE 13**

To see if the Town will vote to transfer from available funds a sum of money to be added to the amount appropriated under Article 5 of the May 5, 2008 Annual Town Meeting; Item 423 Snow and Ice overtime, contractors and expenses for the purpose of funding the Fiscal Year 2009 deficit; or take any other action relating thereto.

**ARTICLE 14**

To see if the Town will vote to authorize the Board of Selectmen to enter into an intergovernmental agreement with other Municipalities in Essex County and the Essex County Sheriff's Department, for a period of up to ten years, for the purpose of providing a regional public safety communication operations center to expedite timely and efficient response by police, fire resources and emergency medical dispatch services of the participating governmental units, or take any other action relating thereto.

ARTICLE 15

To see if the Town will vote to amend Section 2-20 of the Town Bylaws, Conomo Point Planning Committee, by authorizing the Board of Selectmen to make appointments to fill vacancies in said Committee for the period of time between Town Meetings, and to provide that persons who miss four consecutive meetings shall be deemed to have vacated their position, all as set forth below (with the language to be inserted underlined); or take any action relating thereto.

2-20 CONOMO POINT PLANNING COMMITTEE

There is hereby established a Conomo Point Planning Committee, the members of which shall be persons with no direct financial interests in the Town's property at Conomo Point. The Committee shall consist of twelve members who shall be appointed by any Town Meeting, the warrant of which has an article specifying that such action is to be considered.

If a vacancy occurs, the Board of Selectmen shall, in writing, appoint a registered voter of the Town to fill said vacancy. The person so appointed shall perform the duties of the office until the next Town Meeting, at which time the position shall be filled in accordance with the preceding paragraph, and until another is qualified.

The duties of the committee shall be to gather and report any information which the Committee might determine to be of value in aiding the townspeople to make decisions regarding the Town's property at Conomo Point, to make recommendations as to present and future uses of that property, and to submit Articles allowing the Town to implement the Committee's recommendations to the Board of Selectmen for inclusion in Warrants for Town Meetings.

If a member is absent from any four consecutive regularly scheduled meetings, the position shall be deemed vacant, and the chair shall give notice of the same to the Board of Selectmen.

ARTICLE 16

To see if it is the sense of the Town Meeting that the Selectmen, subject to a future appropriation, should, jointly with the tenants of Conomo Point, retain the services of a mediator to discuss the future disposition of the Town-owned property North of Robbins Island Road on Conomo Point; or take any other action relating thereto.

ARTICLE 17

To see if the Town will vote to amend Chapter 6 of the Town's Zoning Bylaws by deleting the words "Special Permit" from the title of Section 6-6.12 so that it shall read as follows:

**6-6.12 SITE PLAN REVIEW**

; or take any other action relating thereto.

**ARTICLE 18**

To see if the Town will vote to amend Chapter 6, Section 3 DEFINITIONS, of the Town's Zoning Bylaws by inserting the following new Section 6-3.10a:

CHANGE OF USE. Any use that differs from the current or previous use of a building or land. The term "use" shall be the legal enjoyment of property that consists in its employment, occupation, exercise or practice.

; or take any other action relating thereto.

**ARTICLE 19**

To see if the Town will vote to support the merger of the North Shore Regional Vocational High School, the Essex Agricultural High School, and the Peabody Vocational High School; or take any other action relating thereto.

**ARTICLE 20**

To see if the Town will vote to appropriate or reserve from the Community Preservation Fund, including FY 2010 estimated annual revenues, a sum or sums of money for Community Preservation projects or purposes, including acquisitions of interests in land, all as recommended by the Community Preservation Committee; or take any other action relating thereto.

**ARTICLE 21**

To see if the Town will vote to adopt the provisions of Massachusetts General Laws chapter 32B, section 20, authorizing the Town to establish a separate fund, to be known as an Other Post Employment Benefits Liability Trust Fund, into which appropriations may be made, and shall be held in trust, for future costs of post employment benefits such as health insurance coverage for retirees; and which action shall assist the Town in meeting its obligations under General Accounting Standards Board Statements 43 and 45; or take any other action relating thereto.

**ARTICLE 22**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to lease with an option to purchase for a term up to or exceeding three years, a new mini-loader utility tractor with attachments and appurtenances and to authorize the Board of Selectmen to enter into a purchase or lease/purchase agreement on such terms and conditions as the Board deems in the best interest of the Town; and further to authorize the Board of Public Works to dispose of any equipment that might be replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Board of

Public Works; or take any other action relating thereto.

**ARTICLE 23**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to lease with an option to purchase for a term up to or exceeding three years and to install a new generator at the Water Filtration Plant and to authorize the Board of Selectmen to enter into a purchase or lease/purchase agreement on such terms and conditions as the Board deems in the best interest of the Town; and further to authorize the Board of Public Works to dispose of any equipment that might be replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Board of Public Works; or take any other action relating thereto.

**ARTICLE 24**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for the purchase of one outboard motor for the Harbormaster Department and further to authorize the Board of Selectmen to dispose of any Harbormaster equipment that might be replaced by the new equipment by trade or sale for such price as is deemed reasonable by the Board of Selectmen; or take any other action relating thereto.

**ARTICLE 25**

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 past fiscal years; or take any other action relating thereto.

**ARTICLE 26**

To see if the Town will vote to transfer from the Town Septic Betterment Fund a sum of money for the purpose of making necessary payments to the Massachusetts Water Pollution Abatement Trust during fiscal year 2010 in accordance with the terms of repayment for Community Septic Management Program loan funds; or take any other action relating thereto.

**ARTICLE 27**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the Town's Stabilization Fund; or take any other action relating thereto.

**ARTICLE 28**

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to authorize a revolving fund for the Board of Health for the purpose of purchase of supplies and services as deemed necessary by the Board of Health for the purpose of the planning and execution of an annual youth triathlon or other exercise program. Donations, grants and fees collected for said purpose 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 29**

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to authorize a revolving fund for the Board of Health for the purpose of purchase of supplies and services as deemed necessary by the Board of Health Department for the purpose of health, safety, and/or emergency planning, preparation and education. Donations, grants and fees collected for said purpose 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 30**

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to reauthorize 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 31**

To see if the Town will vote pursuant to Massachusetts General Laws chapter 44, section 53E ½ to re-authorize a revolving fund used by the Board of Selectmen for the purpose of receiving the so-called Excess Fee, to consist of 60% of each electric and plumbing permit issued by the Electrical Inspector, the Plumbing & Gas Inspector, and their respective assistants for certain work as described in further detail in Article 5 of the January 24, 2005, Special Town Meeting warrant, to be expended by the Board of Selectmen, up to a maximum of Twenty Thousand Dollars (\$20,000) per fiscal year, for the purpose of paying said inspectors or assistants for such work; 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, seven days at least before the time for holding said meeting.

Given under our hand this 23<sup>rd</sup> day of March, two thousand nine.

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

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

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

BOARD OF SELECTMEN  
TOWN OF ESSEX

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

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