

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

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. No one offered any comment.

Chad Whittemore came before the Selectmen to request a waiver of the clamming permit application deadline. Mr. Whittemore has recently moved to Gloucester from Essex and will not be able to get his Gloucester clamming license until he has lived there for one year which he has not met. A motion was made, seconded, and unanimously Voted to approve his request for a waiver and the Selectmen signed his application for an interim resident commercial license. Mr. Whittemore left the meeting.

At 7:05 p.m., Chairman Randall entertained a motion to open the Public Hearing for a transfer of license from P&B Associates, d/b/a The Essex Package Store, to CPM Investment Group, d/b/a Essex Wine & Spirits, at 91 Main Street and also for a pledge of license by the CPM Investment Group. The motion was moved, seconded, and unanimously Voted to open the hearing. Present for the hearing were Mr. and Mrs. Averay, the owners of the property at 91 Main Street; Mr. & Mrs. Marano, the buyers of the business; Vincent Marano, their son and proposed manager of the business; and the Marano's attorney, Mark A. Evlogiadis. Neither the current owners of the business nor their representative was present. The new owners, their son, and their attorney introduced themselves to the Selectmen. Mr. Vincent Marano has been managing a package store in Peabody for the last six years and is looking forward to managing his own store in Essex. He will be leasing the property from the Averays. The new owners plan to open the store upon approval of the transfer of the license by the ABCC and after much needed repairs and extensive renovations have been completed. The Selectmen reminded them that the business must remain continuously open for business (unless approved for closure for repairs by the Selectmen) in order for the license transfer to be valid. The current business owner has been allowed to close for the month of April for repairs. Attorney Evlogiadis said that he intends to request the seller's attorney to apply for an extension of the closure, since they will more than likely not be in a position to open by the end of April. Chairman Randall asked if anyone else would like to speak. No one did. A motion was made, seconded, and unanimously Voted to close the public hearing. The Selectmen conferred and a motion was made, seconded, and unanimously Voted to approve the request for a transfer of license and pledge of license. The Selectmen signed the request form which will be forwarded with the rest of the paperwork to the Alcoholic Beverage Control Commission in Boston for approval. Mr. & Mrs. Averay, the Maranos, and Attorney Evlogiadis left the meeting.

Next, Glenn Koper appeared before the Selectmen to request a waiver of the clamming permit application deadline since he was in Mexico during the application period and thought he had already filed. A motion was made, seconded, and unanimously Voted to waive the deadline for Mr. Koper and the Selectmen signed his application form. Mr. Koper left the meeting.

Dennis Henderson, an Essex resident and clammer, appeared before the Selectmen to offer comments about the regulation of the Town's clamming industry. Also present were Shellfish Advisory Commission members Robert Fitzgerald and Keith Woodman. Mr. Henderson expressed concern that the Selectmen have been granting waivers regarding the regulations for clamming permit applications to anyone who applies. Mr. Henderson cited as an example the issuance of new licenses to two new Town residents who were observed digging on the flats on March 31st, 2009. Mr. Zubricki pointed out that the two were legally within their rights to dig on the 31st. The Shellfish Constable had checked both licenses and the licenses are dated March 31st and not April 1st. Mr. Henderson also said that the Shellfish Constable is rarely on the flats to make sure that only people with valid permits are digging there. Recently, he said he had observed people from Beverly and New Hampshire digging on Essex flats. The Selectmen said that if anyone is on the clam flats and witnesses illegal behavior they should immediately call either Mr. Zubricki or the Shellfish Constable to report the matter. Mr. Henderson said the Selectmen's duty is to protect the clamming industry for future generations. The Selectmen thanked Mr. Henderson for his comments and he left the meeting. Mr. Fitzgerald and Mr. Woodman reported that the Shellfish Advisory Commission will be meeting on Tuesday and one of the items that they will be discussing is their recommendation for when the winter flats should be closed. Everyone was reminded that the Shellfish Advisory Commission is scheduled to meet with the Selectmen on May 18th at 7:30 p.m. to discuss areas of interest and concern. Mr. Fitzgerald and Mr. Woodman left the meeting.

Kevin Perkins from the Massachusetts Interlocal Insurance Association (MIIA), the Town's insurance carrier, appeared before the Selectmen. Each year MIIA nominates a handful of its members who perform above and beyond the average participation in the company's rewards program and loss control efforts. The Town, led by Mr. Zubricki, has performed at the maximum or close to the maximum earning level for credits to offset insurance premiums. This is the 4th year in a row that the Town has received an award. The Town's loss ratio is 1.7 for the year which is unbelievable and has resulted in a total savings of about \$28,000 over the last 5 or 6 years. Mr. Perkins said that Essex has earned the most credits percentage-wise of all the 250 towns that participate in the program. Mr. Perkins thanked the Selectmen for their support of MIIA and their loss control program and presented the Selectmen with a framed award certificate of achievement. The Selectmen thanked Mr. Perkins and he left the meeting.

Mr. Ciampi, the owner of P&B Associates, d/b/a The Essex Package Store, appeared before the Selectmen to request an extension of the closure period previously approved by the Selectmen. The Selectmen told Mr. Ciampi that he needs to submit his request in writing before they can grant approval and advised him to be conservative in his request by asking for sufficient time to complete the repairs to the building so that he does not have to make a third request for an extension. Mr. Ciampi said his wife would deliver the written request in time for the next Board of Selectmen's meeting and left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering March 21st, 2009 through April 10th, 2009, regarding the following items:

Conomo Point Planning Committee Support: Mr. Zubricki reported that the CPPC met on April 2nd and the Committee decided that the cost of tight tanks and the cost of wells need to be factored in as part of the future planning effort. The effects on the Town of the

various proposed uses of the property, such as year-round occupancy as opposed to seasonal occupancy, also have to be researched. Mr. Zubricki received some of the information today from the Horsley Witten Group. Selectman Lynch spoke about the property valuations at the Point as provided by Horsley Witten as compared to the valuations prepared by the CPPC a year ago. He wants to obtain a list of underlying assumptions that HW used in preparing their analysis so he can determine why the two valuations are different. Selectman Lynch, together with Horsley Witten's representative Nick Cracknell and Mr. Zubricki, will plan the format and presentation for the public forums to be held on the future plans for the Point. Selectman Lynch would like the first forum to be held as soon as possible.

Mr. Zubricki said that he had received a bill today from Horsley Witten for phase II of their contract. Phase II includes the hosting of three public forums which have not yet been held. The Selectmen decided to wait before paying the bill.

Selectman Lynch asked if there has been any feedback regarding interest in the concept of using mediation to determine the future of Conomo Point. The Selectmen will be meeting with Barry Weiner on April 30th to discuss the mediation process.

Selectman Jones said Police Chief Silva was interested in perhaps asking Jack Good to attend and act as a facilitator for the discussion during the regional emergency response center public forum scheduled for April 15th at the Essex Elementary School.

At 8:00 p.m., a motion was made, seconded, and unanimously Voted to open a Public Hearing for a new All Alcohol Restaurant License for the Channel Grille at 112 Main Street. Present for the hearing were Susie Offenberger, the owner of the property; Mark Miller from the North Shore Restaurant Group who is representing Mrs. Offenberger; and Joseph Deisley, the buyer of the property. After introductions were made, Mr. Deisley said that there will be extensive build-out required of the interior of the restaurant and he is hoping to be finished in time to open in mid-to-late June of this year. Mr. Deisley has been managing a restaurant in Peabody for the last several years and is looking forward to his move to Essex. Mr. Deisley's purchase of 112 Main Street is contingent upon the sale of his property in Peabody which is scheduled to close within the next couple of weeks. He will be bringing his manager and his head chef with him to Essex. The Essex restaurant will be the fourth restaurant that he has owned and/or managed. The restaurant will specialize in New England sea foods and comfort foods. Chairman Randall asked if anyone else present would like to speak at the hearing. No one did. A motion was made, seconded, and unanimously Voted to close the public hearing. Subsequently, a motion was made, seconded, and unanimously Voted to approve a new All Alcohol Restaurant License for J.J. Brodie's Inc., d/b/a The Channel Grille, Emilie Grant, Manager, at 112 Main Street, pending receipt of the remaining required documents. The paperwork will not be forwarded to the Alcoholic Beverage Control Commission for approval until it is complete and the fees have been received. Mr. Deisley, Ms. Offenberger, and Mr. Miller thanked the Selectmen and left the meeting.

Mr. Zubricki resumed his Town Administrator's report.

School Phone System and Computers: Mr. Zubricki reported that the school has offered their old phone system to the Town. He has determined that it will cost about \$2,000 to

get the system operational and it would offer improved service over the existing system. The school is also offering furniture and computers that will not be moved to the new High School. Mr. Zubricki would like to use some of the computers in the new near-site and the far-site disaster centers that he is establishing.

Improvement of Old Town Beach: Mr. Zubricki attended the Conservation Commission meeting last week to discuss the Selectmen's desire to place sand at a Town-owned site off of Red Gate Road that will be used this year as an alternative beach facility for residents while a movie is being filmed at Centennial Grove. The Commission was not opposed to the idea, but requested a letter of intent from Mr. Zubricki (which he has since written) before they will give their official approval of the project. A motion was made, seconded, and unanimously Voted to request funding of the purchase of the sand from the reserve fund.

Potential Installation of Pad Transformers: Mr. Zubricki said the film company is still doing a cost analysis regarding the installation of transformer pads at the Grove Cottage and at the Ballfield versus the use of generator trucks to provide adequate electricity to operate the filming equipment. Depending on their decision, the Town may need to originate a license agreement to allow for the installation by National Grid on Town property. Additionally, if the movie company decides to gift the equipment to the Town, a letter will be needed accepting the donation of the pad transformer equipment from the movie company. Once the film company chooses which option they would like to implement, it will be necessary to move ahead in a timely manner. Therefore, a motion was made, seconded, and unanimously Voted to authorize the Selectmen to sign a license agreement, to be approved by Town Counsel, with National Grid for placement of the pad transformers at Centennial Grove. A second motion was made, seconded, and unanimously Voted to accept the equipment as a gift (if the film company should choose to gift it) based on the following conditions: the film company will be able to utilize the equipment while they are on the premises during the filming, the film company will pay for all electric bills until they vacate the premises, and that the film company will perform and pay for the complete removal of the equipment if it is not accepted as a gift at Town Meeting. The Selectmen directed Mr. Zubricki to work with Town Counsel to draft an appropriate license agreement and a gift acceptance letter. It will also be necessary to vote at Town Meeting to grant an easement for the electric service.

Annual Town Meeting Motions: Mr. Zubricki reviewed the latest draft of the motions, the monetary recap sheet, and the suggested list of people to make the motions with the Selectmen. Mr. Zubricki said he will be meeting next week with the Town Moderator to review the warrant articles.

Shellfish License Transition Reciprocity: The Essex shellfishing regulations have a provision that allows someone who moves to Gloucester or Ipswich to continue to clam on Essex flats until that person meets the eligibility requirements of the new community to qualify for a permit. Gloucester & Ipswich do not have a similar regulation and the Selectmen were not in favor of talking to Gloucester and/or Ipswich about creating a reciprocal regulation for people leaving their communities and moving to Essex.

The Selectmen discussed whether more deputy shellfish constables are needed to police the flats.

Mr. Zubricki handed out information for the Selectmen to review before the regional dispatch center public forum on Wednesday.

Bradley Atkinson, the manager and co-owner of The Farm, joined the Selectmen's meeting. The Selectmen signed the All Alcoholic Beverage License, Common Victualler's License, Weekday Entertainment License, and the Sunday Entertainment License which were all previously approved for BN FARM, LLC, d/b/a The Farm, at 233 Western Avenue. Mr. Atkinson said they are planning to open on Wednesday after completing extensive renovations. He thanked the Selectmen and 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 \$71,091.94.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the April 6th, 2009, Selectmen's Open Meeting and the April 6th, 2009 Selectmen's Executive Session.

Mr. Zubricki said that Representative Ferrante is asking for the Town's views on several issues which include meals taxes, lodging taxes, the telecom tax loophole, an effort to move health insurance reform outside of collective bargaining and the increase of necessary local aid. The Selectmen agreed that Mr. Zubricki would tell Representative Ferrante that they are in favor of health insurance reform and the increase of local aid.

The Town's Board of Health is part of a North Shore coalition that is planning for emergency preparedness in the event of a disaster. The Board of Health has asked the Selectmen to review two memorandums of understanding (MOU) that the BOH would like the Town to sign. The first MOU is from North East Hospital Corp and includes items that need to be approved at the Selectmen's level. The second MOU allows local boards of health to enter into agreement with local vendors to provide local goods and services during a disaster situation. The Selectmen were in agreement that before any document is signed, it needs to be reviewed by Town Counsel. Secondly, they are in agreement that there should be standard agreement forms that have been reviewed at the highest level of the emergency/disaster preparedness organization. Each town should not have to negotiate and craft its own agreements. Mr. Zubricki agreed to canvas other towns to see what actions they have taken regarding the execution of MOU's for disaster preparedness. A discussion followed tracing the chain of command in the event of a disaster and the ability of the various sites to handle the victims from a serious disaster.

A motion was made, seconded, and unanimously Voted to approve and have the Chairman sign the annual Public Officials Liability Insurance Renewal Application which covers Police Department and other Town employees.

The winter clamming flats are still open and Selectman Jones said that the Shellfish Advisory Commission will be meeting on Tuesday to discuss their recommendation to the Selectmen regarding the closure date. The Selectmen decided to wait for the Commission's recommendation before voting to close the clam flats.

Mr. Zubricki reported that there has been an inquiry about renting Centennial Grove this Fall for a wedding reception. Although the movie company using the Grove has represented that they will probably be finished by mid-September, the exact date is not certain. The Selectmen agreed to forego any rentals for the remainder of this year to ensure that no-one will be disappointed if the movie company has to stay longer than planned at the Grove.

A motion was made, seconded, and unanimously Voted to approve a request from the American Lung Association to pass over Essex Roads during their 3rd Annual Cross State Trek on Saturday and Sunday, June 27 & 28, 2009.

A motion was made, seconded, and unanimously Voted to approve a request from the American Diabetes Association to pass over Essex Roads during their North Shore Tour de Cure on Sunday, May 31, 2009, from 7:00 a.m. to 3:00 p.m.

A motion was made, seconded, and unanimously Voted to approve a request from Tufts Medical Center to pass over Essex Roads during their 13th Annual Cycle for Life on Saturday, September 12, 2009.

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

Auction Permit:

- Richard A. DiFillipo, d/b/a R.A. DiFillipo Auctions, for use on Tuesday, January 27th, 2009, between the hours of 8:30 a.m. and 10:30 p.m. within the confines of 125 Main Street.

Fuel Storage:

- Nieberle's Service Station, Ernie's Service Station for the underground storage of 14,000 gallons of gasoline at 8 Main Street.

Gravel Permit:

- David J. Lane, Curlew Cove Realty Trust for the operation of a gravel pit at 53-57 John Wise Avenue

Paraffin Storage Permit:

- Glass Dimensions, Inc. at 197 Western Avenue for the inside, above-ground storage of liquid paraffin of up to 7,000 gallons of bulk storage plus finished goods inventory of bottled paraffin.

The Selectmen were reminded that the informational presentation regarding the proposed regional dispatch center will take place at the Essex Elementary School on Wednesday, April 15, 2009, starting at 6:30 p.m.

The next Board of Selectmen's meeting will be held on Monday, April 27, 2009, at 7:00 p.m. at the T.O.H.P. Burnham Public Library.

At 9:05 p.m., citing the need to discuss pending litigation, collective bargaining, and the value of real property, the Chairman entertained a motion to move to Executive Session. He invited Mr. Zubricki to attend and said the Selectmen would not be returning to Open 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 9:25 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