

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

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 comments.

Richard Pascucci appeared before the Selectmen to request a waiver of the application deadline for a commercial clamming permit. Mr. Pascucci was laid off last February from the job he has held for years and has no immediate expectations of being called back. A motion was made, seconded, and unanimously Voted to approve the waiver of the deadline. The Selectmen signed Mr. Pascucci's application and Mr. Pascucci left the meeting.

Brendhan Zubricki presented his Town Administrator's Report for the period covering April 11th, 2009 through April 24th, 2009, regarding the following items:

Conomo Point Subdivision Public Forum: Selectman Lynch, a member of the Conomo Point Planning Committee, reported that he is working out the details of the forum presentation with Horsley Witten and Mr. Zubricki. Selectman Jones will be unable to attend the forum on Thursday, but Chairman Randall will be attending. Mr. Zubricki said that he has spoken to Scott Horsley since sending a letter recently to the firm from the Selectmen reminding HW that the firm is to report to and receive direction from the Selectmen. HW has not remarked on the letter, but appears to have understood the intended message.

Federal Stimulus Funding Update: Mr. Zubricki met last week with Representative Ferrante. Of the three projects submitted by the Town requesting Federal stimulus funding, the Town Hall exterior renovation project is still on the final list as an eligible project. This is largely due to the fact that it has an energy efficiency component (the replacement of the windows). The projects chosen for the final list will ultimately compete with each other for the available funding. The renovation project is very bid ready, so it should continue to have a good chance at being awarded funding. Of the two public safety building projects submitted, Ms. Ferrante said that the Federal Stimulus package is not funding Police items, but that there may be limited funding available for renovation of the Fire Station. Mr. Zubricki will report Ms. Ferrante's comments to the Town Building Committee at their next meeting. Any Federal Stimulus money that becomes available for water mains will be deposited in the State Revolving Loan Fund and would be paid out in the form of loans to the community, not in grant form.

At 7:05 p.m., Chairman Randall entertained a motion to reopen the dog hearing that was adjourned on March 23, 2009, concerning dogs owned by Mr. and Mrs. Ramsey of Rocky Hill Road. The motion was moved, seconded, and unanimously Voted. Present were Rolf Madsen, Tina Estes, Dave Peterson, Julia Peterson, Olivia Peterson, and Amy Reilly. Chairman Randall read a letter that was sent to the Ramseys, informing them that the dog hearing would be reopened. Mr. Zubricki stated that the Ramseys' Counsel had

informed him via a letter received this afternoon that the Ramseys would not be attending the hearing tonight.

Chairman Randall asked anyone intending to testify at the hearing to raise their right hand and to solemnly swear that the testimony to be given in this matter will be the truth, the whole truth, and nothing but the truth. Mr. Madsen, Ms. Estes, Mr. & Mrs. Peterson, and Olivia Peterson so swore. Attorney Corbo explained that no decision had been made at the initial hearing as a courtesy to allow time for both sides to acquire and become familiar with all the information pertaining to the Ramsey dogs, including the agreement between the Town and the Ramseys for the restraint of the Ramsey dogs. Any information pertaining to the Ramsey dogs may be discussed tonight and will have bearing upon the Selectmen's decision regarding the Ramsey dogs. Chairman Randall asked those sworn for their comments.

Mr. Peterson spoke first and reminded the Selectmen that his little dog had been attacked and killed by the Ramsey dog known as Daisy Mae last September in his front yard. In May, members of his family saw Daisy walking up the street loose. He said that the dogs have attacked other dogs in the neighborhood at least three times in the past and the attacks resulted in the dogs being hospitalized or killed. He expressed concern that the next incident might involve a small child and felt it to be the Selectmen's duty to do everything in their power to prevent a baby or small child being seriously harmed by the dogs.

Mrs. Peterson had also witnessed the September attack that killed their pet. Recently, when she was driving on Pine Ridge Road on her way home, she came upon Daisy Mae and Billie Bob, not leashed or with an owner, running down the street.

Olivia Peterson said she had also witnessed the loose dogs running on the street. The Petersons presented pictures they had taken showing the Peterson mailbox and the dog, Daisy, loose on the night in question. Olivia testified that the tag she was reading in a photo of her with the loose dog read "Daisy Mae".

Tina Estes said that her testimony, in which she said she was accosted by the Ramsey dogs while walking her own small dog, was as previously given at the hearing on March 23. Although the dogs had been on a leash at the time, Mr. Ramsey had done nothing to stop the dogs from running at her and jumping on her in an attempt to get at her dog. She is now afraid to walk down the street for fear of being attacked by the dogs and knocked down. Ms. Estes is also concerned for other people older or frailer than herself, who may be attacked, as well as other small children or pets.

Rolf Madsen asked about the previous legal findings and the existing agreement between the Town and the Ramseys. Attorney Corbo explained that the Settlement Agreement stipulates that if there are allegations of further violations by the dogs a new hearing may be called to determine if there has been a violation of the Settlement Agreement. If it is determined that a violation has occurred, then the Settlement Agreement provides that the dogs may be permanently removed from the Town.

Chairman Randall read a response to the hearing reopening notification that was sent to Mr. Ramsey. Mr. Ramsey's lawyer stated in the letter that reopening the March 23 hearing violates the Town's procedural rules, the State laws regarding public meeting process, and his clients' right to due process of law under the Constitution of the United States and the Massachusetts Declaration of Rights. Attorney Corbo explained that the Selectmen had closed the hearing on March 23 without making a ruling in order to allow the Ramseys a fair opportunity to respond to all of the allegations against them. It is within the Selectmen's rights to reopen the hearing and to listen to any information regarding the past actions of the Ramsey dogs so that the Selectmen may make a determination as to whether the agreement between the Ramseys and the Town has been violated.

Mr. Madsen said that the Ramseys have demonstrated no regard, either to protect and safeguard the welfare of their pets or that of the community. Mr. Peterson, Mrs. Peterson, Mr. Madsen, and Ms. Estes strongly urged the Selectmen to use every measure available to them to prevent another incident resulting in severe harm befalling a human or an animal.

At 7:35 p.m., Chairman Randall asked if anyone wished to make any other comments regarding the Ramsey dogs. No one did. A motion was made, seconded, and unanimously Voted to close the hearing. The Selectmen conferred, and a motion was made, seconded, and unanimously Voted to banish the Ramsey dogs from the Town. The Madsens and the Petersons thanked the Selectmen and left the meeting.

Attorney Corbo stated that the Ramseys will have ten days to appeal the Selectmen's decision to ban their dogs from Town.

Amy Reilly, the Town's Dog Control Officer, discussed various options available to the Town to deal with nuisance and vicious dogs now that the Town has a vicious dog bylaw. The Selectmen said that they would keep Ms. Reilly informed regarding the Ramsey dogs. Ms. Reilly said that she has informed the Police Department that she needs to be notified about complaints regarding nuisance dogs as well as the ones for vicious dog. She has personally contacting the owners each time there is a complaint and is also keeping track of repeat occurrences. Mr. Zubricki said that copies of the nuisance reports should also be kept in the Selectmen's files. The Selectmen thanked Ms. Reilly and she left the meeting.

Citing the need to discuss litigation matters, the Chairman entertained a motion to move to Executive Session. He invited Attorney Corbo and Attorney Kopelman and Town Administrator Zubricki to attend. He indicated that the Board of Public Works would be joining the group at 8:00 p.m. He said the Board would be returning to Open Session. Reporter Bobby Cann left the meeting. The motion was moved, seconded, and per a unanimous Roll Call Vote, the Board moved to Executive Session at 7:50 p.m.

The Board returned to Open Session at 9:30 p.m. Attorney Corbo and Attorney Kopelman left the meeting.

Mr. Zubricki resumed the presentation of his Town Administrator's Report.

Alternative Energy Coordination Meeting: Mr. Zubricki and Chairman Randall reported on a meeting that both had recently attended to discuss the use of wind turbines as an alternative energy source and a future source of income for the Town. Hamilton is currently embarking on a similar project. The Selectmen discussed the possible merits of such a project and asked Mr. Zubricki to follow the matter up further with the interested parties.

Seaport Bond Bill Funding Meeting: Mr. Zubricki reported that he had met with Representative Ferrante and Seaport Bond Council Executive Director Louis Elisa last week to discuss possible funding for development of the Essex waterfront. During the meeting, the group made a site visit to inspect the area being considered for development. Mr. Elisa said that there is a course of action to follow when seeking funding under the Bond Bill and suggested contacting a university or college to write a feasibility study grant application with all the necessary components for the Town as an In Kind Service. If the Town is awarded funding, then the university or college will be hired to perform the study. If the Town uses Salem State, the Town can sign an inter-governmental agreement and promise them that they will get the work because it will be exempt from Chapter 30(b). If the Town uses a private university or college, the Town could make the argument that since it involves engineering work, it is exempt from Chapter 30(b). Mr. Zubricki said that there is also a similar Federal program known as the Boating Infrastructure Grant (BIG) program, however, that program requires that any funding that is awarded be matched by the community. A motion was made, seconded, and unanimously Voted to ask Salem State College to help the Town prepare a grant application for funding under the Seaport Bond Bill. The Selectmen were in agreement that if the application is successful, they will award the work to the grant writer. Mr. Zubricki will contact Salem State through Representative Ferrante to request their assistance.

Updated Draft Town Meeting Motions: Mr. Zubricki reviewed the latest draft of the motions and the motion presenter list for the Annual Town Meeting on May 4th, 2009. There are still a few last minute changes that are being completed and polished.

In other business, a motion was made, seconded and unanimously Voted to approve and sign the weekly warrant in the amount of \$596,442.84.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the April 13th, 2009, Selectmen's Open Meeting and the minutes for the April 13th, 2009, Selectmen's Executive Session.

A motion was made, seconded, and unanimously Voted to approve a request to pass through Essex on route 133 during "A Ride to Remember" on Saturday, May 16, 2009, a memorial motorcycle ride to benefit the Michael J. MacDonald memorial scholarship for a Danvers High School student.

The Selectmen discussed purchasing and installing protective covering for the Little League fence at Centennial Grove. Mr. Zubricki reported that covering for the entire fence would cost about \$1,620 and that there is enough money in the Grove Revolving

Fund to pay for it. A motion was made, seconded, and unanimously Voted to purchase only enough covering to run down both base lines of the fence adjacent to just the primary field (since the Manchester Essex Little League has indicated that was all the coverage necessary at this time). On a related matter, Superintendent Goodwin had asked the Selectmen's Office for the best time to schedule grading of Centennial Grove Road, based on current usage by the movie company and the Manchester Essex Little League. The Selectmen decided that Mr. Zubricki will have further discussion with the Superintendent before making a recommendation.

The Selectmen reviewed a letter from Thomas J. Beale of 40 Spring Street drawing their attention to the continuing situation on Spring Street concerning a music studio. The Building Inspector had issued a Cease and Desist Order for the property which has been complied with until recently. Mr. Zubricki reported that the Building Inspector and the Police have been informed and will take steps to control the situation. Mr. Beale plans on seeing the Building Inspector on Wednesday evening during the Building Inspector's regularly scheduled office hours.

The Shellfish Advisory Commission met recently and has informed the Selectmen's Office that they are recommending that the winter clam flats be closed as soon as is possible. A motion was made, seconded, and unanimously Voted to officially close the winter clam flats as of 12:00 midnight on April 30, 2009. A notice announcing the closure will be posted at the Town Hall, the Post Office, and the Essex Elementary School.

The Selectmen reviewed a letter requesting that they appoint a representative to serve on the Essex National Heritage Commission's Corridor Advisory Group. They asked Mr. Zubricki to contact Bill Holton for names of persons with professional planning knowledge who may be interested in receiving the appointment.

The Selectmen considered a written request from P&B Associates, d/b/a The Essex Package Store, to extend their period of closure through June 2, 2009. A motion was made, seconded, and unanimously Voted to approve the request.

Mr. Zubricki informed the Selectmen that both Senator Tarr and Representative Ferrante had had to cancel tonight's meeting with the Selectmen. The Selectmen asked Mr. Zubricki to coordinate a new meeting with them after the Annual Town Meeting in May.

Chairman Randall read a resignation letter from Irene Bowman from the Council on Aging. A motion was made, seconded, and unanimously Voted to accept Ms. Bowman's resignation. The Selectmen asked that a thank you letter be prepared to be sent to Ms. Bowman on their behalf.

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

Retroactive Auction Permits (Initialed by the Board of Selectmen's Assistant and previously returned to the licensee in time for the event.):

- Frank Kaminski, d/b/a Kaminski Auctions, for use on Saturday, April 25th, 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 26th, 2009, between the hours of 8:00 a.m. and 6:00 p.m. within the confines of 125 Main Street.

Common Victualler's License:

- Blue Marlin, Inc. for use at 65 Eastern Avenue.

Fuel Storage:

- Wheelworks, Inc., d/b/a Gaybrook Garage for the Underground Storage of 16,000 gallons gasoline at 152 Western Avenue.

One-Day Wine and Malt License:

- Essex Historical Society & Shipbuilding Museum for use on Friday, May 8th, 2009, between the hours of 5:00 and 10:00 p.m. within the confines of the Shipyard of the Essex Shipbuilding Museum at 66 Main Street.
- Joan B. Houghton, Woodman's Inc. for use on Friday, May 15, 2009, between the hours of 12:00 noon and 9:00 p.m. within the confines of 125 Main Street.
- Professional Bartending Service for use on Saturday, July 25th, 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 Selectmen were reminded of the following meetings and events:

The Essex Division of the Cape Ann Chamber of Commerce will be meeting on Wednesday, April 29, at 8:00 a.m. at the Village Restaurant.

Chairman Randall will be discussing the Annual Town Meeting warrant articles with host Sinikka Nogelo, Town Administrator Zubricki and Finance Committee Chairman Jeff Soulard on cable TV on Wednesday, April 29, 2009, starting at 7:00 p.m.

The Board of Selectmen will be meeting at 7:30 a.m. in the T.O.H.P. Burnham Public Library on Thursday, April 30, 2009.

There will be a public forum regarding Conomo Point at 7:00 p.m. on Thursday, April 30, 2009, in the cafetorium at the Essex Elementary School.

The Board of Selectmen will be meeting on Monday, May 4th, 2009, at 6:30 p.m. in the Teachers' Lounge at the Essex Elementary School followed by the Annual Town Meeting at 7:30 p.m.

The Cape Ann Breakfast Club will meet on Friday, May 15th, 2009, at the Gloucester House Restaurant at 7:30 a.m. The program will include a panel discussion by three local wellness practitioners, "Get Hooked on Health". None of the Selectmen nor the Town Administrator will be able to attend.

There being no further business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 9:55 p.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____
Jeffrey D. Jones