

Present: Chairman A. Raymond Randall, Selectman Mark W. Lynch, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Mr. & Mrs. James Stavros, Keith Woodman, Leonard Woodman, and Robert Fitzgerald.

Chairman Randall called the meeting to order at 7:00 p.m. in the T.O.H.P. Burnham Public Library on Martin Street and announced that the Board would hear public comment. No one from the public offered any comments.

Brendhan Zubricki presented his Town Administrator's Report for the period covering May 2<sup>nd</sup>, 2009 through May 15<sup>th</sup>, 2009, regarding the following items:

Appointed Town Clerk: The Town has voted officially to convert the Town Clerk's position from an elected to an appointed position. The present Town Clerk will be retiring in one year after many, many years of service. The Selectmen agreed that they would like to have her replacement train for at least three months (starting about 9 months from now) and asked Mr. Zubricki to begin to assemble a Town Clerk Replacement Search Committee composed of from four to six members. The Selectmen suggested asking other towns for advice regarding the selection process.

At 7:05 p.m., Chairman Randall entertained a motion to open a public hearing regarding a request by Jim Stavros, manager of the Fairway Pub, Cape Ann Golf Course Corp., at 99 John Wise Avenue, to alter their premises by adding a deck off the dining room. The motion was moved, seconded, and unanimously Voted to open the hearing. Mr. Stavros reviewed his plans to add a deck. The Chairman asked if anyone else wanted to comment. No one did. A motion was made, seconded, and unanimously Voted to close the hearing. The Selectmen were in agreement and a motion was made, seconded, and unanimously Voted to approve the Alter of Premise request by Cape Ann Golf Course Corp. Mr. & Mrs. Stavros thanked the Selectmen and left the meeting. The request will now be forwarded to the State Alcoholic Beverage Control Commission for approval.

Mr. Zubricki resumed his Town Administrator's report.

Corridor Advisory Group Representation: Mr. Zubricki reported that Mr. Holton has said that he is willing to serve as the Town's representative on the Essex National Heritage Commission's Corridor Advisory Group. Subsequently, a motion was made, seconded, and unanimously Voted to appoint William Holton as representative to the Essex National Heritage Commission's Corridor Advisory Group.

Renewal of Prisoner Lockup Agreement: The Prisoner Lockup Agreement between Manchester and Essex is up for renewal this year as of July 1<sup>st</sup>. Mr. Zubricki said that Chief Silva has asked permission from the Selectmen to try for more favorable terms by renegotiating the agreement. A motion was made, seconded, and unanimously Voted to allow Chief Silva to renegotiate the Prisoner Lockup Agreement with the Manchester Police Department.

Seaport Bond Bill Feasibility Study Grant Application: Mr. Zubricki met earlier today with representatives of Salem State College to discuss the possibility of their preparation

of a feasibility study in connection with the Seaport Bond Bill for increased public access to the Essex riverfront along the causeway. Drs. Hamilton and Krebs from Salem State were very enthusiastic about the project and after speaking with Mr. Zubricki, walked over to the causeway to inspect the area under discussion. They have agreed to undertake the feasibility study grant application as an in-kind service and will be talking to the State in the near future about suggested timing for the application, etc. They believe that Essex could become the model project for other towns on the North Shore to emulate. If the Town is successful in obtaining funding under the Seaport Bond Bill, Salem State will conduct the feasibility study and may ask the University of Massachusetts at Lowell to help formulate the project engineering specifications. Selectman Lynch asked if Salem State had been instrumental in helping to obtain the four million dollar grant received by the City of Salem last year for the revitalization of that city's harbor area.

Town of Essex residents Joan Ketchum, son Taylor Ketchum, Kathy Irwin, and son Liam Irwin appeared before the Selectmen to discuss the possibility of selling food from a pushcart at Memorial Park during the Wednesday night baseball games and also possibly at other sites in Town. Mrs. Irwin said that the two boys had saved their money over the winter and recently purchased a food cart for their proposed business. She has also been in contact with the Board of Health to determine the permits and food safety training required for the operation of a pushcart. A Common Victualler's License issued by the Selectmen's Office would also be required. Mr. Zubricki said that both Gloucester and Manchester require for-profit pushcart owners to go through a competitive bidding process if they want to operate on City-owned property. Ipswich does not currently have any pushcarts, but would also require them to compete for the business opportunity. Other items for consideration, in addition to setting fairness standards, include liability issues which would need to be discussed with the Town's insurance carrier and Town Counsel. Mr. Zubricki said that the Board of Public Works regulates the use of Memorial Park and that their approval of any pushcart would also be necessary. The Selectmen and Mr. Zubricki advised the mothers to seek out and talk to the non-profit leagues that operate the games about providing the food service since it might be possible to operate under a league's non-profit status and liability insurance. Another option would be to operate the pushcart on private property rather than on Town-owned land. Mrs. Irwin and Mrs. Ketchum said that they would continue to research the idea and left the meeting with their sons.

Members of the Shellfish Advisory Commission Robert Fitzgerald, Jim Haskell, Keith Woodman, and Leonard Woodman, Shellfish Constable Paul Thistlewood, Deputy Constable Stephen Hartley, and Harbormaster Pete Silva appeared before the Selectmen to discuss various items related to the shellfishing industry.

SAC Chairman Fitzgerald reported that they have started to set out the protective netting that they received from their successful grant application earlier this year. On April 27<sup>th</sup>, five volunteers set out twelve nets on America's Bank. And, last Wednesday, four volunteers placed six more nets on Jehu's Bank. It was mentioned that there are less volunteers to lay the protective nets to catch the seed clams than there are those who want to share in the benefits of the increased availability of clams to harvest. There should be a way to reward the volunteers for their efforts or restrict the digging on the renewed beds

to those who helped with the restoration. Chairman Randall suggested that a local college might be interested in helping to place the nets as part of a summer educational program or high school students as part of their community service requirement. The Commission is seeking funding to purchase additional supplies to mark the netting with signs and buoys so that the shellfish growing areas will not be damaged by boaters or the public. Mr. Zubricki will check with the Town Accountant as to whether or not there is money in the budget that could be used for the supplies. The Selectmen asked the SAC to submit an estimate of the funding needed to purchase the supplies for marking the nets. There is no more funding available this year from Salem State and the SAC is also investigating the idea of forming a non-profit entity that will be able to solicit and accept donations towards the acquisition of the materials needed to complete the project. They have been working closely with Salem State to learn more about the influences of weather and environmental conditions on the cycles of the shellfish population. The new sewer systems have resulted in increasingly improved water quality and it is hoped that beds that have been closed for years because of pollution will eventually be open again for digging. The SAC reported that the workshop for surrounding towns that they sponsored in conjunction with the Division of Marine Fisheries last January was very successful.

The Selectmen and the SAC discussed the existence of reciprocal agreements between towns that allow a commercial clammer moving to another town to continue to dig in the previous town until the residency requirements for a license from the new town are met. There are no existing agreements, but Gloucester and Essex have that provision in their shellfish regulations. The Selectmen agreed that in the future they should consider the SAC's opinion regarding any anticipated actions such as waivers concerning the shellfish regulations on a case by case basis. However, everyone acknowledged that the Board of Selectmen and the Shellfish Constable are the enforcement authority, while the SAC is an advisory board.

The SAC asked the Selectmen to consider instituting a late fee as a penalty for clammers who miss the application filing deadline. If a late fee is charged, it would first have to be approved at a Town Meeting. After further discussion, the group agreed that a late fee would not necessarily be desirable. The Selectmen reviewed an informational handout prepared by the SAC that will be given to clamming license applicants and Mr. Zubricki agreed to place the handout on the website if it is provided to him in digital form.

The Selectmen, the SAC, and Chief Silva discussed the placement of moorings in relation to the placement of protective netting. It was agreed that the SAC and the Chief would jointly inspect river sites to determine the best placement of moorings and netting sometime within the next two weeks.

Changes to the daily digging limit regulation were discussed. The Advisory Commission strongly advocates raising the daily digging limit to 250 pounds per tide. Subsequently, a motion was made, seconded, and unanimously Voted to change the daily digging limit in the Town's shellfish regulations to 250 pounds per tide and to abolish the previous, 180 lb. limit, its grace allowance, and any post-rain closure exceptions. The Director of the Division of Marine Fisheries will be duly notified of the change to the Town's regulations and the new regulations will be posted at the Town Hall, the Elementary

School and the Post Office. The change will become effective as soon as all the requirements can be met for changing the regulations.

No one had any further items for discussion. The Chief, Paul Thistlewood, Steve Hartley, Jim Haskell, Rob Fitzgerald, Keith Woodman, and Leonard Woodman left the meeting.

Charlie Story appeared before the Selectmen to represent his brother Andy Storey and his sister-in-law Joanie who could not be present. Mr. Storey would like to divide some Chapter 61A land that he owns and sell a piece (about four acres) of it to Mr. Patrican, an abutter. A map showing the land in question (Map 22, Lot 6C) was exhibited during the discussion. The Town has the right of first refusal to purchase any Chapter 61A land that becomes available for sale at fair market value based on an independent appraisal. Mr. Storey wanted to inform the Selectmen that he is considering selling the property and asked the Selectmen to guide him through the process. It was agreed that Mr. Zubricki will review the correct procedure to be followed and contact Mr. Storey to coordinate the event once the procedure is determined. Mr. Storey thanked the Selectmen and left the meeting.

There will be a planning meeting tomorrow to work on the School District's Strategic Plan and Chairman Randall will attend. The Selectmen hoped that those formulating the plan will consider economies of scale where possible.

The Selectmen said that they have reviewed the 05-06-09 letter from Thomas J. Beale and a related memo from the Building Inspector. The Building Inspector has indicated that no business activities are occurring at the property any more. The Selectmen asked Mr. Zubricki to inform Mr. Beale that they have investigated the situation and do not believe that there continues to be a problem.

The Selectmen discussed scheduling a future meeting with Senator Tarr and Representative Ferrante. It was agreed that they would try to schedule a meeting for sometime in the Fall.

Mr. Zubricki presented the renewal contracts for the Town Administrator and the Town Accountant to the Selectmen for their approval and signature. A motion was made, seconded, and unanimously Voted to approve both contracts. The Selectmen signed the contracts and thanked Mr. Zubricki for agreeing to another term. The Selectmen said they have greatly appreciated Mr. Zubricki's excellent service.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$72,495.65.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the May 4<sup>th</sup>, 2009, Selectmen's Open Meeting.

Mr. Zubricki explained that the Town Building Committee members have asked to have official appointment cards to identify them when they go on site visits to gather information for their committee. The Selectmen agreed to the issuance of the cards and a

motion was made, seconded, and unanimously Voted to sign the appointment cards for the members of the Town Building Committee, who were appointed in February, 2009.

A motion was made, seconded, and unanimously Voted to approve a line item transfer from the Selectmen's Telephone Budget to Office Supplies & Maintenance to partially fund a new copier for the Treasurer's/Collector's Office in the amount of \$360.00.

A motion was made, seconded, and unanimously Voted to approve a line item transfer from Workmen's Compensation Insurance to Unemployment Expense in the amount of \$200.00.

The Selectmen reviewed a letter from Jerome French regarding Town land and private land on Forest Avenue, but decided to take no action at the present time.

A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on a congratulatory letter to Jared Pike for his outstanding scholastic achievement.

A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on a letter of thanks to David Lane for his many years of service as Town Moderator.

A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on a letter of thanks to Barry Weiner for his assistance in briefing the Selectmen on the concept of mediation and the procedures involved.

The Selectmen considered a recommendation letter from the Essex Historical Commission and a motion was made, seconded, and unanimously Voted to appoint Richard Stevens to fill a vacancy on that Commission.

The Selectmen also considered another letter from the Essex Historical Commission endorsing the historical significance of a B&M freight shed and its removal to a piece of land on Main Street between the White Elephant Shop and the Old Legion Hall. The Selectmen asked Mr. Zubricki to advise the Commission that they are in favor of the project and that the next step should be for the Commission to contact the Community Preservation Committee.

A motion was made, seconded, and unanimously Voted to have the Chairman sign a letter to the North Shore HOME Consortium to reallocate the Fiscal Year 2008 HOME funds allocated to the Town of Essex to Help for Abused Women and Children (HAWC) for its Rental Subsidy Program as soon as the funds become available.

A motion was made, seconded, and unanimously Voted to grant a request from the Memorial Day Committee to pass over Essex Roads during the Memorial Day Parade to be held on Monday, May 25<sup>th</sup>, 2009, and commencing at 9:00 a.m. at Memorial Park. The Selectmen will be participating in the Memorial Day Parade.

A motion was made, seconded, and unanimously Voted to approve a request from the Fire Board of Engineers to pass over Essex Roads during the Firemen's Memorial Sunday Parade to be held on Sunday, June 14<sup>th</sup>, 2009, and commencing at 8:45 a.m. at the Fire Station.

A motion was made, seconded, and unanimously Voted to approve a request for an Antiques License by H. Victoria Burke, d/b/a The Antique Company @ 164 Main Street.

The Selectmen were reminded that the next Board of Selectmen's meeting will be held on Monday, June 1, 2009, at 7:00 p.m. at the T.O.H.P. Burnham Public Library.

Mr. Zubricki reported that, so far, only 35 children have enrolled in the Summer Youth Program. The Selectmen agreed that they will wait until after the enrollment deadline before deciding on how many persons to hire for the summer program. Safety and disciplinary training for the summer helpers will also be determined after the enrollment number is known. The Selectmen asked Mr. Zubricki for a breakeven analysis comparing actual summer program enrollment revenue to projected cost.

Citing the need to discuss collective bargaining and the value of real property, the Chairman entertained a motion to move to Executive Session. He invited Town Administrator Zubricki to attend. He 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 at 9:25 p.m.

The Board returned to Open Session at 9:45 p.m.

A motion was made, seconded, and unanimously Voted to reorganize the Board of Selectmen by electing Jeffrey D. Jones as chairman. Outgoing Chairman Randall was commended and thanked for his past year's performance.

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