

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

Chairman Jones 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.

Francis Burnham, a former resident of Essex who now lives in Salem, appeared before the Board to protest the recent ruling in a superior court case against William Allen. Mr. Burnham handed out copies of excerpts from Massachusetts General Law supporting his assertion that the decision to compel Mr. Allen to remove a structure from his property on Southern Avenue did not follow the proper procedure of the law. Mr. Burnham stated that the entire situation has resulted from the incompetence of Town Counsel and said that Town Counsel must be replaced immediately. Mr. Burnham said it was a very serious matter and that if Town Counsel was not replaced, something bad might happen. The Selectmen thanked Mr. Burnham for his concerns and Mr. Burnham left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering May 30<sup>th</sup>, 2009 through June 12<sup>th</sup>, 2009, regarding the following items:

Summer Program Update: Mr. Zubricki said that he has received calls from two mothers who have asked that the Counselor in Training program be reinstated. It had been announced earlier that the program would not be available due to the greatly reduced enrollment for this year's summer program. The two mothers who had called Mr. Zubricki appeared and joined the meeting. Mr. Zubricki said that there are usually three to five Counselors in Training (CITs) each year and a \$60 fee is charged by the Town to each individual in the training program. The program is the only part of the summer program that offers activities for the +/-13-year-old age group. The mothers suggested that the children could share the spots available if there were too many applicants, but the Selectmen said that it is important to the program to have the counselors there every day. They discussed the training program and agreed that each individual in the program will help in a specific area so that their usefulness is maximized during this atypical program year. The summer program is being moved from Centennial Grove this year and instead will be divided between two locations: the Essex Elementary School and Memorial Park. A motion was made, seconded, and unanimously Voted to reinstate the Counselor in Training program this year. The mothers thanked the Selectmen for listening and left the meeting.

Mr. Zubricki reported that there will be a potential deficit for the FY2009 Summer Youth Program. This deficit could be funded with \$8,000 in movie gift funds recently received by the Essex Youth Program. It is anticipated that if the enrollment for next year's summer program reverts back to its usual level, there will not be a deficit for the FY2010 program. A motion was made, seconded, and unanimously Voted to use the \$8,000 in gift funds, as necessary, to help fund FY2009 expenses. The Selectmen discussed the procedure for handling Youth Commission petty cash and Mr. Zubricki confirmed that the Youth Director and staff have been informed of the correct procedure. Chairman

Jones said that the tent for the Music Festival and the Youth Program will be placed at Memorial Park sometime during the next week.

Police Chief Peter Silva appeared before the Selectmen with Matthew M. Doucot. The Chief introduced Matthew Doucot and read a brief summary of Mr. Doucot's accomplishments to date. He concluded by saying that he is highly recommending the appointment of Matthew Doucot to the position of Part-Time Police Officer. Mr. Doucot has already passed his drug and medical screening. The Selectmen agreed with the Chief's recommendation and a motion was made, seconded, and unanimously Voted to appoint Mr. Doucot to the position of Part-Time Police Officer. Mr. Doucot left the meeting after being congratulated by the Selectmen.

Chief Silva handed out aerial maps of the Essex River showing the mooring locations in the Essex River around the Conomo Point area. He said that they are continuing to work on establishing new moorings and eliminating unused moorings. He is also making arrangements to coordinate with the Shellfish Advisory Commission to make sure that the moorings do not interfere with the Commission's efforts of placing nets to encourage seed clam propagation. The Selectmen thanked Chief Silva and said they would like him to come back in mid-to-late July to present another mooring update once the majority of the moorings are placed in the River.

The Selectmen and the Chief discussed the security measures for Essex River Day that will be put in place to safeguard the bonfire site from a premature lighting. Chief Silva left the meeting.

Southern Conomo Point Subcommittee Support: Mr. Zubricki presented an opinion from Town Counsel regarding the acceptance by the Town of the streets and roads at Conomo Point. Selectman Lynch said that the Conomo Point Planning Committee has decided to proceed with the formulation of a preliminary sub-division plan for the Point rather than pursue having the Town properly accept the roads and streets at the Point at this time. The Selectmen agreed that Town Counsel's opinion on the acceptance of roads and streets could be shared with the CPPC.

Next Quarterly Departmental Coordination Meeting: The Selectmen discussed options for scheduling the next Quarterly Departmental Meeting and agreed to plan the meeting for July 13<sup>th</sup>. Each Chairperson will be asked to discuss their three top priorities for their committee or board at the meeting.

Personnel Board Business: Now that there is only one member left on the Personnel Board and efforts to find other members have not been successful, the Selectmen have assumed the duties of the Personnel Board for the time being. The first item on the Personnel Board Agenda was to approve the minutes of the March 23, 2009 meeting. That meeting had been attended by the only two members of the Personnel Board at that time, one of which has recently passed away, making it impossible to assemble a quorum

of the PB to vote on accepting the minutes. Since none of the Selectmen attended the meeting, they cannot approve the minutes either.

The next item on the PB Agenda was to approve the usual request to excuse Summer Program Employees from Drug/Medical Screening. A motion was made, seconded, and unanimously Voted to waive the drug/medical screening test for the 2009 Summer Program Employees.

Mr. Zubricki reported that two employees have asked to carryover vacation time into FY 2010. Arthur Churchill, a new employee of the Department of Public Works, has asked to carryover 28.5 hours which he has been unable to use due to a very busy schedule at the DPW; and, Gillian Palumbo has asked to carryover 28.0 hours which are unused due to health issues. A motion was made, seconded, and unanimously Voted to approve both requests to carryover vacation time into FY 2010.

Mr. Zubricki said that he and the remaining Personnel Board member will continue to look for new members. The next Personnel Board meeting will occur in September.

Town Clerk Search Committee: Mr. Zubricki reported that Dawn Burnham, Vickie Cataldo, Virginia Boutchie, Dottie Elwell and Sally Soucy have agreed to serve on the Committee. No-one on the Committee will be considered as a candidate for the position since that would be a conflict of interest. It was agreed that the Committee will be charged to perform the following:

- To develop a Town Clerk position description using examples from other communities and the existing Town Clerk's knowledge of the duties required in Essex.
- To define minimum qualifications to be memorialized in the position description and to develop selection criteria.
- To develop and implement the necessary advertising process, screen applications and conduct preliminary interviews.
- To recommend a list of at least three final candidates to the Board of Selectmen for the Selectmen to consider.

A motion was made, seconded, and unanimously Voted to appoint Dawn Burnham, Virginia Boutchie, Vickie Cataldo, Dottie Elwell, and Sally Soucy to the Town Clerk Search Committee and to charge the Committee with the three tasks discussed above.

Water Plant Generator and Skid-Steer Loader Orders: The orders for a water plant generator and skid-steer loader are ready to be placed. The financing agreement for these items has been reviewed by Town Counsel and the Town Treasurer. A motion was made, seconded, and unanimously Voted to adopt the following resolution:

BE IT RESOLVED by the Board of Selectmen of the Town of Essex as follows:

1. **Determination of Need.** The Board of Selectmen of the Town of Essex has determined that a true and very real need exists for the acquisition of the Equipment described on Exhibit A of Schedule Number 5, dated June 1, 2009 of the Lease With Option to Purchase Agreement dated as of September 1, 2004 between Town of Essex (Lessee) and All American Investment Group, LLC (Lessor).
2. **Approval and Authorization.** The Board of Selectmen of the Town of Essex has determined that the Agreement, substantially in the form presented to this meeting, is in the best interests of the Lessee for the acquisition of such Equipment, and the Board of Selectmen hereby approves the entering into of the Agreement by the Lessee and hereby designates and authorizes the following person(s) to execute and deliver the Agreement on Lessee's behalf with such changes thereto as such person(s) deem(s) appropriate, and any related documents, including any Payment Request Form requesting funds from the Vendor Payable Account, necessary to the consummation of the transaction contemplated by the Agreement.

A second motion was made to approve and sign the following exhibits to the Lease with Option to Purchase Agreement No. TE-1363 Schedule No. 5: Exhibits A, B, C, F, and G.

Meeting Related to Essex Regional Retirement Board Proposal: Mr. Zubricki reported on the meeting that he recently attended with other representatives from surrounding towns regarding the Essex Regional Retirement Board. At the meeting, they discussed the poor return on investment that the Board has achieved. The State requires that funds be moved to the State investment fund (PRIT) if a local board fails to achieve a minimum return. The ERRB is asking that the towns write to them regarding their investment preference. One of the towns present is working on composing a sample letter to the ERRB advising that the ERRB move all the funds to PRIT.

All the towns agree that there is value in having a regional board. However, the current ERRB needs to reform its administration, and the investments need to be moved. The towns also agreed that any lobbying done by the ERRB should be stopped since none of the towns have been consulted or informed as to the lobbying that is being conducted. There needs to be more oversight of the ERRB. PERAC is presently reviewing a recent switch of dispatchers into Group 2.

Mr. Zubricki said that he would keep the Selectmen informed as events unfold.

Fire Station Construction Grant Program and Energy Efficiency and Conservation Block Grants: Mr. Zubricki has reviewed these programs and discussed the Fire Station Construction Grant with Jack Good. They have agreed that it is unlikely that either of them will provide any benefit to the Town. It was agreed by the Selectmen not to apply for either grant.

Seaport Bond Bill Funding: Mr. Zubricki presented a preliminary application for review prepared by Salem State to obtain funding for development of the waterfront. Salem State

is asking for an assurance from the Selectmen that if their request is successful the Town is awarded funding of perhaps as much as \$145,000 for the project, that Salem State will be awarded the contract to perform the project work. A motion was made, seconded, and unanimously Voted to endorse the application and agree to award the contract to Salem State if the application is successful.

Discontinuation of Clean Energy Choice Program: Mr. Zubricki reported that the Town has been notified that the program for matching funds is being eliminated. The Town currently has saved up \$7,198 to date. Mr. Zubricki presented a list of items that can be funded with the credits and recommended that the Town use the money to purchase a solar powered compactor. The Selectmen were in agreement that the most appropriate item on the list for the Town is a solar compactor and a motion was made, seconded, and unanimously Voted to choose the solar compactor. Mr. Zubricki will receive additional information in August about the process of redeeming the credits based on the Selectmen's choice.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$63,712.06.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the June 1<sup>st</sup>, 2009, Selectmen's Open Meeting and the June 1<sup>st</sup>, 2009, Selectmen's Executive Session.

The Selectmen reviewed a letter from the Ipswich 375<sup>th</sup> Anniversary Celebration Committee inviting the Selectmen to march in their celebration parade. The Selectmen asked that a letter be prepared congratulating Ipswich on their town's significant anniversary.

Mr. Zubricki reviewed a status update provided by Carolyn Britt on her progress to date in working with various Town boards and committees.

Mr. Zubricki reported on a recent meeting held by MassHighway to review anticipated events and timing during the Route 133 Project which will be beginning within the next two weeks. They said that is going to be dirty, dusty, and inconvenient. MassHighway will supply Mr. Zubricki with updates as the project progresses and he will put the updates on the Town's website. Everyone will have access at all times by following the link on the Town website to the update information. Initially, MassHighway will perform the water and drainage work. Then they will proceed to a full depth reconstruction of the road bed of approximately 21 inches. There will be no access to the properties located along the road for one day per address. The depth of excavation may be less depending on the current road material. Selectman Lynch said that everyone needs to work together to support the local businesses while project is underway. A separate technical meeting is being planned with the Fire Department to plan and prepare for emergencies during the project.

Mr. Zubricki reported that Bob Hastings has volunteered Essex as a site for another movie opportunity. He will keep the Selectmen informed.

Mr. Zubricki said he has discussed the Board of Public Works reservations about the possibility of creating a wind farm at the site of the Town's former land fill with the John Markey of Meridian Associates. Mr. Markey has suggested that perhaps the farm could be placed on a portion of the property that was not used for the landfill. Mr. Zubricki will continue to work on the project in consultation with the Department of Public Works.

The Selectmen reviewed a communication from Michael Dyer, a concerned resident, regarding his comments on the impact of the Route 133 project.

A motion was made, seconded, and unanimously Voted to approve a request by the Blue Knight Motorcycle Ride Benefit to pass through Town on Route 133 on Saturday, June 20.

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

One-Day Wine & Malt License:

- Joan B. Houghton, Woodman's Inc. for use on Thursday, July 2, 2009, between the hours of 12:00 noon and 10:00 p.m. within the confines of 125 Main Street.
- Cape Ann Chamber of Commerce for use on Saturday, June 20, 2009, between the hours of 4:00 and 9:00 p.m. within the confines of Memorial Park.

One-Day Entertainment License:

- Cape Ann Chamber of Commerce for use on Saturday, June 20, 2009, between the hours of 11:00 a.m. and 9:00 p.m. within the confines of Memorial Park.

The Selectmen discussed recent noise complaints received by the Police Department regarding activities at The Farm restaurant on Western Avenue. There have also been complaints of patrons parking in the apartment parking lot across the street. Mr. Zubricki said that the Board of Health and Plumbing Inspector have expressed concerns regarding the placement of a volleyball court over a septic system and the restaurant exceeding its maximum occupancy capacity. The Selectmen agreed to continue to monitor the situation.

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

|                   |                                |        |
|-------------------|--------------------------------|--------|
| Robert Cameron    | Action, Inc. Board of Dir.     | 3 Yrs. |
| William Sanborn   | ADA Coordinator                | 1 Yr.  |
| Dawn Burnham      | Board of Registrars            | 3 Yrs. |
| William Sanborn   | Building Inspector             | 1 Yr.  |
| L. William Holton | Building Inspector (Assistant) | 1 Yr.  |

|                      |                                      |        |
|----------------------|--------------------------------------|--------|
| Blake Story          | Burial Agent                         | 1 Yr.  |
| Daisy Nell Collinson | CATV Representative                  | 1 Yr.  |
| Glenn Boutchie       | Civil Defense Director (Assistant)   | 1 Yr.  |
| Priscilla Doucette   | Council on Aging                     | 3 Yrs. |
| Amelia Reilly        | Dog Control Officer                  | 1 Yr.  |
| Ramie Reader         | Electrical Inspector                 | 1 Yr.  |
| John Shields         | Electrical Inspector (Assistant)     | 1 Yr.  |
| Jeffrey Soulard      | Finance Committee                    | 3 Yrs. |
| Edward Lafferty      | Finance Committee                    | 3 Yrs. |
| David Kent           | Harbormaster (Assistant)             | 3 Yrs. |
| James Simpson        | Harbormaster (Assistant)             | 3 Yrs. |
| Cynthia Cameron      | Historical Commission                | 3 Yrs. |
| Richard Carter       | Local Emergency Planning Committee   | 1 Yr.  |
| Jeffrey Jones        | Local Emergency Planning Committee   | 1 Yr.  |
| Elaine Wozny         | Local Emergency Planning Committee   | 1 Yr.  |
| Peter Silva          | Local Emergency Planning Committee   | 1 Yr.  |
| Paul Goodwin         | Local Emergency Planning Committee   | 1 Yr.  |
| Julie Scofield       | Open Space Committee                 | 1 Yr.  |
| Maria Burnham        | Open Space Committee                 | 1 Yr.  |
| Leslie Burns         | Open Space Committee                 | 1 Yr.  |
| Jeffrey D. Jones     | Playing Fields Committee             | 1 Yr.  |
| Susan Taylor         | Playing Fields Committee             | 1 Yr.  |
| James O'Neil         | Playing Fields Committee             | 1 Yr.  |
| Richard Trembowicz   | Playing Fields Committee             | 1 Yr.  |
| Jessica Lamothe      | Playing Fields Committee Alternate   | 1 Yr.  |
| Richard Corriere     | Plumbing & Gas Inspector             | 1 Yr.  |
| David Pereen         | Plumbing & Gas Inspector (Assistant) | 1 Yr.  |
| Gregory Brown        | Police Officer – Part-Time           | 1 Yr.  |
| David Earle          | Police Officer – Part-Time           | 1 Yr.  |
| Alexander Edwards    | Police Officer – Part-Time           | 1 Yr.  |
| Eric Gonynor         | Police Officer – Part-Time           | 1 Yr.  |
| Steven Grant         | Police Officer – Part-Time           | 1 Yr.  |
| David Kent           | Police Officer – Part-Time           | 1 Yr.  |
| James Romeos         | Police Officer – Part-Time           | 1 Yr.  |
| Mariko Weston        | Police Officer – Part-Time           | 1 Yr.  |
| Justin Zwicker       | Police Officer – Part-Time           | 1 Yr.  |
| Donald A. Paquin     | Ranger-Crane Wildlife Refuge         | 1 Yr.  |
| Cathy Galli          | Senior Center Committee              | 1 Yr.  |
| Georgeanne Lane      | Senior Center Committee              | 1 Yr.  |
| Diane White          | Senior Center Committee              | 1 Yr.  |
| Walter Andrews       | Senior Center Committee              | 1 Yr.  |
| Warren Grant         | Senior Center Committee              | 1 Yr.  |
| Evelyn Hickey        | Senior Center Committee              | 1 Yr.  |
| Sue Kane             | Senior Center Committee              | 1 Yr.  |
| Gloria Story         | Senior Center Committee              | 1 Yr.  |

|                        |                               |        |
|------------------------|-------------------------------|--------|
| Robert Cameron         | Senior Center Committee       | 1 Yr.  |
| Robert Fitzgerald      | Shellfish Advisory Commission | 3 Yrs. |
| David Sargent          | Shellfish Warden's Deputy     | 3 Yrs. |
| Kopelman & Paige, P.C. | Town Counsel                  | 1 Yr.  |

The Selectmen were reminded that the Essex Division meeting of the Cape Ann Chamber of Commerce will be held on Tuesday, June 16, at 8:00 a.m. at Tom Shea's Restaurant. Selectman Randall and Mr. Zubricki will attend.

Essex River Day is scheduled for Saturday, June 20<sup>th</sup> at Memorial Park.

The next Board of Selectmen's meeting will be held on Monday, June 22, 2009, at 7:00 p.m. at the T.O.H.P. Burnham Public Library.

The Evening Business Exchange will be held on Wednesday, July 1, at 5:00 p.m. at Cape Ann Lanes, Gloucester.

Citing the need to discuss strategy with respect to litigation, the value of real property, and collective bargaining, Chairman Jones entertained a motion that the Selectmen move to Executive Session. A motion was made, seconded, and per a unanimous Roll Call Vote, the Selectmen moved to Executive Session. They invited Mr. Zubricki to attend and said that they would not be returning to Open Session.

The Selectmen returned to Open Session at 10:00 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: \_\_\_\_\_  
A. Raymond Randall, Jr.