

Present: Chairman Jeffrey D. Jones, Selectman A. Raymond Randall, Selectman Mark W. Lynch, Town Administrator Brendhan Zubricki, Selectmen's Assistant Pamela J. Witham, Town Treasurer/Collector Virginia Boutchie, Council on Aging Chairman Robert Cameron, Mr. & Mrs. Averay, and Eric Corwin.

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.

The Chairman of the Council on Aging, Robert Cameron, said he would like to strongly recommend the Town's acquisition of a van that Senior Care will be getting that is partially funded from grant proceeds. Mr. Cameron reviewed some of the points contained in a handout about the van that he had prepared for the Selectmen. After some discussion, the Selectmen said that they will keep his recommendation in mind and may consider seeking funding for the van from Free Cash at a Special Town Meeting in the Fall. Mr. Cameron thanked the Selectmen and left the meeting.

Joanne Averay, and her husband, Maurice Averay, the owners of the real estate at 91 Main Street, appeared before the Selectmen to report that a closing of the business deal between the Ciampis and the new business owners, the Maranos, had finally occurred that afternoon. The Selectmen congratulated Mr. & Mrs. Averay. She said that there are a few loose ends to clean up before the store opens for business under the new name of Essex Wine and Spirits and thought that everything could be in order for an opening on August 24th. Mr. Zubricki agreed to contact J. Marchese and Sons on the Averays' behalf to arrange to have an excavator from the ongoing Route 133 Reconstruction Project removed from the store's parking area so the store can be accessed by the new owners and delivery trucks. The Selectmen were agreeable to the two week delay. A motion was made, seconded, and unanimously Voted to sign the All Alcohol Package Store License that has been approved by the Alcoholic Beverage Control Commission and the Common Victualler's License. The licenses for operation of the package store at 91 Main Street have now been officially transferred from the Ciampis to the Maranos. Mrs. Averay said she would convey the Selectmen's wishes to the new owners and left the meeting with her husband.

Eric Corwin of 199 R John Wise Avenue appeared before the Selectmen to request a waiver of the application deadline for a commercial clamming license due to personal hardship. The Selectmen were sympathetic to his situation and a motion was made, seconded, and unanimously Voted to approve the waiver of the deadline and the Selectmen signed his application. The Selectmen's Assistant will notify the Shellfish Advisory Board Chairman and the Shellfish Constable of the Selectmen's decision. Mr. Corwin thanked the Selectmen and left the meeting.

Mr. Zubricki presented his Town Administrator's Report for the period covering July 25th, 2009 through August 7th, 2009, regarding the following items:

Approval of New Town Clerk Position Description: The Selectmen said that they had reviewed the job description for the Town Clerk's position and the search criteria that had been prepared by the TC Search Committee and had no changes to the documents. Acting

as the Personnel Board, a motion was made, seconded, and unanimously Voted to approve the description of the Town Clerk's job description. The Selectmen advised Virginia Boutchie, a member of the Committee who was present, that the next step for the Committee was to develop a five-to-seven-point matrix for use during evaluation of the job candidates. Ms. Boutchie said she would inform the Committee of their next task and left the meeting.

Conomo Point Planning Committee Update: Mr. Zubricki said that the Committee has recommended a preliminary subdivision plan and that Horsley Witten should have a final draft ready soon. A motion was made, seconded, and unanimously Voted to authorize the Chairman's signature on the final draft when it is completed. The finalized, signed draft will be forwarded to the Planning Board for review.

Draft Physical Evaluation Policy for Volunteer Drivers: The Selectmen reviewed the policy as prepared by Town Counsel and Mr. Zubricki. A motion was made, seconded, and unanimously Voted to approve and adopt the policy as prepared. It will become effective immediately.

Essex River Basin Water Quality: Mr. Zubricki has spoken to Dave Roach of the Division of Marine Fisheries about the water quality of the Essex River now that the sewer project has been completed. Mr. Roach said that in addition to pollution from excessive rain from time to time, there still continues to be some pollution in the River which may be coming from above the Route 133 bridge from properties that are not tied into the new sewer system. The Selectmen asked Mr. Zubricki to research and prepare an analysis comparing Essex rainfall closure parameters to those in other communities.

Potential Municipal Wind Turbine Installation: Mr. Zubricki reported that he has reviewed the Town Bylaws with respect to the installation of a wind turbine on the former site of the Town landfill off Landing Road. Based on Mr. Zubricki's research, it would appear that the site will not meet the setback requirements for a wind turbine of any height. The height of the planned turbine was about 292 feet. The Selectmen agreed that the matter should not be pursued further.

Seaport Bond Bill Grant Application: Mr. Zubricki exhibited the completed application to the State to seek funding for the development of the Essex waterfront under the Seaport Bond Bill that has been prepared by Salem State College. The application requests funding in the amounts of \$75,000 for a feasibility study and \$80,000 for design work. A motion was made, seconded, and unanimously Voted to approve the application and sign a cover letter to Mr. Louis Elisa, Executive Secretary of the Seaport Advisory Council.

Attorney Barry Weiner joined the Selectmen. At 7:25 p.m., citing the need to discuss the value of real property, a motion was made, seconded, and per an unanimous Roll Call Vote, the Board moved to Executive Session. The Chairman invited Attorney Weiner and Town Administrator Zubricki to attend and stated that the Board would be returning to Open Session.

The Board returned to Open Session at 8:27 p.m. Attorney Weiner had previously left the meeting.

Clean Energy Choice Grant: At the Selectmen's request, Mr. Zubricki had completed a grant application for two solar-powered trash compactors and presented the application to the Selectmen for review. The Town has accrued funds by participating in the Clean Energy Choice Grant Program that is sponsored by the Massachusetts Renewable Energy Trust. The program is now being phased out and the Selectmen chose the compactors as the most useful item for the Town from the list provided by MA Renewable Energy Trust. A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the document.

Federal Stimulus Funding Update: Mr. Zubricki reported that he has found that rehabilitation of municipal buildings is not on the approved list of projects that are allowed to be funded with Federal Stimulus money. So, there will be no stimulus money available to the Town for funding improvements or repairs to the Town Hall/Library or the Fire Department/Police Station. However, the Board of Public Works Superintendent and Mr. Zubricki have been approached by a representative from Koneco Engineering who is willing to write (at no cost to the Town) an application to the State Revolving Loan Fund for water system improvement work. Some of the money distributed by the Fund may be given in the form of outright grants. The BPW would like to create a water main loop along Apple Street as a backup to the Essex causeway water main. The Selectmen agreed that they are in favor of pursuing the grant application as a funding source for the Apple Street water main. The Town will only proceed with the Apple Street project, if the grant application is successful and is approved by the BPW. No borrowing of funds will be entertained.

Safe Routes to School Infrastructure Grant: Mr. Zubricki said that he has met with a consulting engineer from the Safe Routes to School Program and discussed possible improvements to pedestrian access to the Essex Elementary School on Story Street. The engineer has made some suggestions and would like to know if the Selectmen are interested in pursuing the project before he prepares a conceptual design plan. The Selectmen were in favor of exploring the project further and a motion was made, seconded, and unanimously Vote to ask Safe Routes to continue with the project.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$815,906.64.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the July 27th, 2009, Selectmen's Open Meeting and the July 27th, 2009, Selectmen's Executive Session.

Since none of the Selectmen will be able to attend the Regionalization Conference being sponsored by the Massachusetts Department of Revenue's Division of Local Services, the Franklin Regional Council of Governments, and the Massachusetts Association of Regional Planning Agencies, Selectman Randall asked Mr. Zubricki to obtain any handouts that might be available from the conference for review by the Selectmen.

Mr. Zubricki reported that Town Counsel has informed him that there is no reason to change the Town's Shellfish Regulations to co-ordinate with changes made to the Gloucester regulations.

Mr. Zubricki spoke to Tom Keogh from Manchester at a recent Emergency Planning meeting about the parking tickets being issued to Essex residents attending school sports events in Manchester. Everyone agrees that the issue needs to be resolved and will continue to work towards discovering an equitable solution.

The Selectmen authorized Mr. Zubricki to approach Marchese, the contractor for the Route 133 Reconstruction Project, about a donation to the Town's Fall mum promotion. The Selectmen are also in favor of donating some money to the mums' purchase as they have in the past.

The Conservation Commission has requested that the Department of Public Works not place a permanent barrier at the end of Water Street as required by the Department of Environmental Protection. The barrier would impede access to the River by kayakers, etc. The Selectmen were in agreement with the Conservation Commission's request, but acknowledged that the Conservation Commission will have to obtain permission from the DEP.

Robert Coviello has informed Mr. Zubricki that Mass Films Office would like to interview a Town Official about the benefits derived by the Town as a result of a movie being filmed in Town recently. Mr. Zubricki will direct them to one of the Selectmen for comment.

The Selectmen reviewed correspondence from MassHighway thanking them for their letter stating their concerns about the timely movement in an emergency of public safety vehicles and personnel during the Route 133 Reconstruction Project.

There has been no new information available regarding the status of school building funding assistance from the State.

A motion was made, seconded, and unanimously Voted to approve a request from Lisa Fudge to pass over Essex roads during the 3rd Annual Stephen Hancox Memorial Motorcycle Run and BBQ Benefit on Saturday, September 19, 2009.

A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the FY2009 Annual Report to the Commonwealth of MA Executive Office of Elder Affairs regarding their annual grant to the COA.

The Selectmen signed a congratulatory letter to Christopher Michael Grant regarding his achieving the rank of Eagle Scout. The Eagle Scout Court of Honor will be held on Sunday, August 23, 2009.

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

- The appointment of Wallace Bruce as the Conservation Commission's representative to the Community Preservation Committee, with Philip Caponigro as an alternate.
- The re-appointment of Gloria Story and Arlene Pizzo to the Council on Aging, each for a term of 3 years.

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

All Alcohol Package Store License:

- CPM Investment Group, Inc., d/b/a Essex Wine and Spirits, Vincent Marano, Manager, at 91 Main Street as approved by the ABCC.

Common Victualler's License:

- CPM Investment Group, Inc., d/b/a Essex Wine and Spirits, Vincent Marano, Manager, at 91 Main Street.

A motion was made, seconded, and unanimously Voted to ratify the Selectmen's Assistant's signature for the Chairman approving a One-Day Entertainment License for David Brown, Essex Shipbuilding Museum, for use on Sunday, August 9th, 2009, between the hours of 6:00 and 10:00 p.m. within the confines of the Waterline Center at 66 Main Street.

The Selectmen were informed of an invitation to the Council on Aging Annual BBQ at noon on Wednesday, August 19th, 2009, at the Essex Shipbuilding Museum. Congressman Tierney will be present to make an award.

The Selectmen were reminded that the Essex Fire Department will hold a reception to honor Chief Richard Carter on the occasion of his retirement after many years of valuable service to the Town of Essex at the Village Restaurant, 55 Main Street, Essex, MA on Tuesday, August 11, 2009, from 4:00 to 7:00 p.m. The Selectmen will present a framed, honorary proclamation to former Chief Carter at that time.

The next Board of Selectmen's meeting will be held on Monday, August 24th, 2009, at 7:00 p.m. at the T.O.H.P. Burnham Public Library.

There being no further business before the Board, a motion was made, seconded, and unanimously Voted to adjourn the meeting at 8:50 p.m.

Prepared by: _____
Pamela J. Witham

Attested by: _____
A. Raymond Randall, Jr.