

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

The Chairman called the meeting to order at 6:30 p.m. in the Teachers' Lounge at the Essex Elementary School on Story Street and announced that the Board would hear Public Comment. No one from the public was present to offer any comment.

Brendhan Zubricki presented his Town Administrator's Report for the period covering October 17th, 2009 through November 6th, 2009, regarding the following items:

Town Building Committee Focus: Mr. Zubricki reported that he discussed the idea of a community center with the members of the Town Building Committee at their last meeting on November 2nd. They agreed to explore the idea in connection with their focus on town building needs. Many town libraries have a community resource room that can be open even when the library is not. The rooms are typically big enough for exercise classes, craft projects, lectures, etc.

Long Term Planning Committee Village Initiative Implementation: Mr. Zubricki announced that Carolyn Britt is working on a grant application for funding a planning study regarding the area surrounding the town landing between Periwinkles restaurant and the Essex Shipbuilding Museum. This project will be separate and distinct from the public access project on Main Street being coordinated by Salem State. Ms. Britt will be distributing a draft of the grant application for review shortly and expects to easily meet the filing deadline on November 20th. A motion was made, seconded, and unanimously Voted to approve the Chairman's signature on the application once it is completed. Mr. Zubricki presented a draft of a letter from the Selectmen to the State in support of the town landing project that will be included with the grant application. A motion was made, seconded, and unanimously Voted to approve and sign the support letter.

Robert and Susan Coviello joined the meeting.

The Selectmen discussed the request by the Chairman of the LTPC for a letter from the Selectmen expanding the original charge to the Committee as discussed at the last Selectmen's meeting. A motion was made, seconded, and unanimously Voted to approve a letter supporting the LTPC's Village Initiative document and asking the LTPC to proceed with the implementation and the tracking of the document's recommendations.

The Selectmen also asked Mr. Zubricki to contact Carolyn Britt and request that she submit a proposal for creating a plan that will prioritize the recommendations contained in the LTPC's Village Initiative. The plan should include a step by step guide to the implementation of the Village Initiative recommendations.

Tax-Title Parcels Meeting: Mr. Zubricki reported that he attended a meeting with the Manchester Essex Conservation Trust and the Town Treasurer/Collector to discuss the process of how certain parcels of land that are recorded as being on Map 42 could be located and identified and transferred into conservation. At present, the Trust does not agree with the Treasurer on the correct process. The Trust will be preparing a proposed

plan of action for the Town to consider. Once the process is defined and agreed to by both sides, the work can begin to discover the location and ownership of the properties on "Map 42" and, hopefully, get them donated to the Conservation Trust. A motion was made, seconded, and unanimously Voted to allow Mr. Zubricki access to Town Counsel for review of the Conservation Trust's proposed steps to accomplish the project.

Special Town Meeting Motions: Mr. Zubricki distributed a list of motions for the ensuing Special Town Meeting. There were no questions.

Cape Ann Emergency Planning Team Meeting: The Selectmen agreed to Mr. Zubricki's relayed request from the Team to meet in January with high level officials from other Cape Ann communities.

Continuity of Operations Plan (COOP): Mr. Zubricki has incorporated the latest round of comments and suggestions from the department heads into the COOP. Town Counsel is recommending that the Selectmen get the different Town boards and departments to agree to the order of succession and delegation of authority specified in the plan. Once the plan has been approved by all the departments, it will be ready for final adoption and implementation. Mr. Zubricki cautioned that the plan deals with Town security, and as such, is not a public document.

In another matter, Mr. Zubricki reported that recently the Zoning Board of Appeals had declared that proper procedure had not been followed when a resident applied for and received a building permit for an addition to their house. Work on the addition has been stopped until a permit can be obtained following the correct procedure. The Building Inspector has requested that the resident not be required to pay a second building permit fee for the reapplication of the permit, since the resident had filed in good faith the first time. A motion was made, seconded, and unanimously Voted to confirm the requirement of a one-time permit fee for this project.

In other business, a motion was made, seconded, and unanimously Voted to approve and sign the weekly warrant in the amount of \$80,387.39.

A motion was made, seconded, and unanimously Voted to approve and sign the minutes for the October 26th, 2009, Selectmen's Open Meeting.

Mr. Zubricki reported that a part-time police officer had been unable to use his vacation time while attending the police academy, and that since the time involved is in excess of 40 hours, the carryover needs to be approved by the Personnel Board. The Selectmen are currently the acting Personnel Board. A motion was made, seconded, and unanimously Voted to approve the vacation carryover request for Patrolman Zwicker.

A motion was made, seconded, and unanimously Voted to ratify the Chairman's signature on a line item transfer of \$450.00 from the blanket insurance budget line item to the personnel expense budget line item to pay for medical screens for potential Council on Aging van drivers.

A motion was made, seconded, and unanimously Voted to appoint Lisa O'Donnell, Tom Lang and Sue Talbot as full voting members of the Long Term Planning Committee. The Selectmen signed the appointment cards.

Mr. Zubricki reported that the Chair of the Long Term Planning Committee has asked that the Conservation Commission be asked to appoint a replacement representative to the LTPC. The Selectmen agreed with the request and authorized Mr. Zubricki to approach the Conservation Committee.

Mr. Zubricki presented a notarized letter from Byron K. Adams, a leaseholder at Conomo Point, asking that his name be removed from his Conomo Point lease, leaving the name of his wife on the lease. Mr. and Mrs. Adams were recently divorced. A motion was made, seconded, and unanimously Voted to approve amending the lease for the property at 9 Beach Circle by deleting the name of Byron K. Adams.

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

One-Day Wine and Malt License:

- The Essex Historical Society & Shipbuilding Museum for use on Friday, November 13, 2009, between the hours of 6:30 and 9:00 p.m. within the confines of the Waterline Center at 66 Main Street.

One-Day Auction Permits:

- Robert Landry, d/b/a L.A. Landry Antiques, for use on Saturday, December 5th, 2009, between the hours of 9:00 a.m. and 4:00 p.m. within the confines of 125 Main Street.
- Frank Kaminski, d/b/a Kaminski Auctions, for use on Saturday, November 28th, 2009, between the hours of 10:00 a.m. and 8:00 p.m. within the confines of 127 R Main Street.
- Frank Kaminski, d/b/a Kaminski Auctions, for use on Sunday, November 29th, 2009, between the hours of 10:00 a.m. and 8:00 p.m. within the confines of 127 R Main Street.

The Selectmen were reminded that the Cape Ann Breakfast Club will meet on Friday, November 13, at the Seacoast Nursing & Rehabilitation Center at 7:30 a.m. Healthcare insurance will be the topic for discussion. Selectman Lynch and Mr. Zubricki will be unable to attend.

The next Board of Selectmen's meeting will be held on Monday, November 16th, 2009, at 7:00 p.m. in the T.O.H.P. Burnham Public Library.

A Cape Ann Caucus will take place on Friday, November 20, 2009 at 7:30 a.m. at the Manchester-by-the-Sea American Legion, 14 Church Street.

Representatives from Senator John Kerry's office will be at the Senior Center on Tuesday, December 1st, 2009, from 5:00 to 6:00 p.m. to meet with constituents.

The Selectmen discussed the noise complaints that have been received from neighbors of the Farm restaurant. Presently, there is no restriction on the Farm's Weekday Entertainment License. Selectman Lynch presented a letter for review from the Farm detailing the recent efforts by the Farm to lessen the noise impact on the surrounding neighborhood. The Selectmen asked Mr. Zubricki to draft a letter responding to the Farm approving the recent efforts made by the Farm and asking that the Farm also voluntarily take steps to end live music at midnight, agree to keep all music and noise levels down to a level that cannot be heard at a distance of ten feet from the Western Avenue-facing windows, and to agree to cease the sale, serving, and dispensing of alcoholic beverages of any kind by 12:30 a.m. in an effort to encourage patrons to disperse by 1:00 a.m. as required by the Town's regulations.

Next, citing the need to discuss litigation and the value of real property, a motion was made and seconded to move to Executive Session. The Chairman said that the Board would not be returning to Open Session. Susan and Bob Coviello left the room. The Chairman invited Mr. Zubricki to attend the Executive Session. Following a unanimous Roll Call Vote, the Board moved to Executive Session.

The Board returned to Open Session at 7:20 p.m.

There being no other business before the Board, a motion was made, seconded, and unanimously Voted to adjourn to the Special Town Meeting being held in the Cafetorium of the Elementary School at 7:30 p.m.

Prepared by: _____
Pamela J. Witham

Attested to: _____
A. Raymond Randall, Jr.